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## 0415 An Analysis of 1996 Ballot Proposals

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**LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY**

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**An Analysis  
of  
1996  
Ballot Proposals**

Research Publication No. 415  
1996

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ROOM 029 STATE CAPITOL  
DENVER, COLORADO 80203-1784

(303) 866-3521 FAX: 866-3855 TDD: 866-3472

September 10, 1996

This publication provides information relating to the ballot measures to be decided at the 1996 general election. It has been prepared by the Colorado Legislative Council pursuant to provisions of the Colorado Constitution and the Colorado statutes. Referenda A, B, C, and D are referred by the General Assembly. Amendments 11 through 18 are measures initiated by the people.

A constitutional amendment adopted by the voters in the 1994 general election requires that the nonpartisan research staff of the General Assembly prepare and distribute to active registered voters a ballot information booklet. The booklet is to include the text, title, and a fair and impartial analysis of each statewide measure. The text of the proposals begins on page 47.

The analyses of the ballot proposals set forth the provisions of the proposals, with general comments on their application and effect. Careful consideration has been given to the arguments for and against the proposals in an effort to fairly represent both sides of the issues. Major arguments have been summarized so that each citizen may decide the relative merits of each proposal.

The Legislative Council takes no position with respect to the merits of the proposals. In listing the "arguments for" and "arguments against," the Council is merely describing the arguments relating to the proposals. The quantity or quality of the "for" or "against" paragraphs listed for the proposals should not be interpreted as an indication of the Legislative Council's position.

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Norton".

Senator Tom Norton  
Chairman  
Colorado Legislative Council

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**STATEWIDE ELECTION DAY IS  
TUESDAY, NOVEMBER 5, 1996**  
**Polling places open from 7 a.m. to 7 p.m.**  
**Early voting begins October 14, 1996**

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**NOTE**

The lettering and numbering system used to designate this year's statewide ballot issues is based on the following organizational structure:

Issues referred by the General Assembly . . . . . Referenda A, B, C, and D  
Issues initiated by the People . . . . . Amendments 11 through 18

## REFERENDUM A — VOTER APPROVAL – CONSTITUTIONAL AND STATUTORY AMENDMENTS

**Ballot Title:** An amendment to articles V and XIX of the constitution of the state of Colorado, concerning ballot measures, and, in connection therewith, requiring voter approval of proposed constitutional amendments by sixty percent of the votes cast thereon, permitting, until January 1, 2003, a simple majority of votes to approve amendments to amend or repeal any provision that was previously adopted with less than sixty percent of the votes cast thereon, prohibiting the General Assembly from amending or repealing any law enacted by the initiative within four years of adoption unless approved by two-thirds of all the members elected to each house of the General Assembly, and requiring that initiated and referred measures to amend the constitution be submitted to the electors at a general election and not at an election held in an odd-numbered year.

*The complete text of this proposal can be found on pages 47-48 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ increases the votes needed to amend the state constitution from a simple majority to 60 percent of the votes cast;
- ✓ provides that amendments to the constitution previously adopted with less than 60 percent of the votes may be amended or repealed, until January 1, 2003, with only a simple majority of votes cast;
- ✓ allows amendments to the constitution to be submitted to the electors only at a general election and not at an election held in an odd-numbered year; and
- ✓ requires, for four years after their adoption, that initiated statutes can be amended or repealed only by two-thirds vote of each house of the legislature.

### **Background**

**Constitutional amendments.** The Colorado Constitution may be changed only by the approval of a majority of the voters. A majority constitutes 50 percent plus one vote. Proposed amendments to the constitution may be placed on the ballot by the legislature (referendum), by citizen petition (the initiative), or by constitutional convention. The constitution contains special requirements for placing the three different types of proposals on the ballot. Referred proposals require a two-thirds vote of both houses of the General Assembly; initiated proposals require signatures of registered voters equal to five percent of the votes cast for the office of Secretary of State at the last election, currently 54,242 signatures.

The constitutional convention has not been used as a means of proposing amendments in Colorado. Proposals from a constitutional convention must receive approval of a majority of voters, a provision that is not changed under this proposal.

## REFERENDUM A — VOTER APPROVAL — CONSTITUTIONAL AND STATUTORY AMENDMENTS

In the last 32 years, voters approved 57 changes to the Colorado Constitution and rejected 34. Of the 57 amendments approved, 25 were approved by less than 60 percent of the votes cast. Using these statistics, over 40 percent of the amendments approved by the voters would not have been adopted if this amendment had been in effect.

**Statutory changes.** Statewide votes may also be used to amend the Colorado statutes. Statutory proposals may be referred by the legislature or initiated by the people. A citizen initiative for statutory change requires petitions with 54,242 registered voters, the same number as required for constitutional amendments. A majority of votes cast is necessary for initiated or referred statutes to be adopted; this proposal does not change this requirement. As with any statute, the General Assembly may amend or repeal a statute adopted by the people, referred or initiated. In the 32 years beginning with the 1964 election, 21 statutory proposals were submitted, with eight approved, 13 rejected.

**Other states.** Colorado is one of 24 states that uses the initiative as a means of amending their constitutions, statutes, or both. Each of the 24 states has its unique requirements for the number of signatures necessary to petition onto the ballot, some with geographic requirements for the collection of signatures, and some with different requirements for approval. Of the initiative states, no state requires a 60 percent vote for approval of constitutional amendments but one, Nevada, requires a favorable vote in two consecutive elections. Four of the 24 initiative states require that a proposal receive a certain percentage of the votes cast at the election even if a vote is not cast on a particular issue.

For constitutional amendments submitted by the legislature, 49 states require a vote for constitutional change. Of the 49 states, New Hampshire is the only one that requires greater than a majority vote (two-thirds) for ratification, and four others require majority approval by all voters voting in the election. Colorado along with 43 other states, requires a simple majority of votes cast on a particular ballot issue.

### Arguments For

- 1) Voter approval by more than a simple majority is a reasonable standard for amending the constitution. The constitution should be more difficult to amend than the state statutes. The requirement of a 60 percent favorable vote protects citizens from unwise amendments that affect fundamental issues such as the powers of the government and the rights of the people. The federal constitution has been amended only 27 times, including the ten amendments in the Bill of Rights, in over 200 years.

Issues that are detailed and subject to change should be in the statutes. In the last 30 years, however, the voters have considered more than four times as many proposals for constitutional amendments than statutory changes. Placing

## REFERENDUM A — VOTER APPROVAL — CONSTITUTIONAL AND STATUTORY AMENDMENTS

a higher requirement for adoption of constitution changes will encourage statutory amendments rather than constitutional amendments.

- 2) Questions for constitutional change should be decided at elections in which the greatest number of voters participate – elections in the even-numbered years. This proposal recognizes low voter participation in odd-year elections and requires that constitutional issues be decided at elections with high voter turnouts. The statewide elections of 1993 and 1995, for example, had approximately one-half the number of voters of the general elections of 1992 and 1994, years when state and federal offices were on the ballot.
- 3) This proposal addresses one of the reasons that citizens have wanted their proposals written in the constitution – the fear that the legislature will change statutes adopted by the people. The proposal presents a balanced approach between protecting the people's intent in adopting statutes and the need to amend statutes if the law is found to be unworkable or has resulted in unintended consequences. The protection is given by the requirement of a two-thirds vote of each house of the legislature to change or repeal initiated laws in the first four years after adoption of the statute. Although the proposal contains a more stringent requirement, changes are possible if the statute is found unworkable.
- 4) Constitutional amendments adopted with less than 60 percent of the vote should be allowed to be amended or repealed by the simple majority under which they were adopted. The proposal includes a time period of six years, ending January 2003, in which a simple majority can amend or repeal such amendments.

### Arguments Against

- 1) Significant or controversial changes to the constitution will be more difficult to pass if this proposal is adopted. The amendment encourages the status quo, favors politics as usual, and works against proponents of change and reform. The requirements for placing a proposal on the ballot are difficult enough. Proponents of initiated proposals already must obtain over 54,000 valid signatures of registered electors, which requires submittal of approximately 75,000 signatures, plus organize and finance the campaign necessary to convince the voters of the merits of the proposal. Well organized and heavily financed campaigns in opposition to major changes will have an overwhelming advantage by needing to convince only 40 percent of the voters to oppose a proposal. The votes of persons who oppose change will carry more weight than the votes of proponents of change.
- 2) Majority rule is the standard for adopting proposals in a democracy. We have trusted the judgment of the people of the state to make decisions on amending the constitution and the people have shown that they are selective in the proposals they approve and disapprove. Many provisions of our laws that we now value as important were extremely controversial at the time of their

## REFERENDUM B — MAILING OF BALLOT INFORMATION

enactment and would not have met the 60 percent standard. Majority votes prevailed in areas such as taking judges out of partisan politics, requiring voter approval for tax increases, and using lottery proceeds for parks and open space. A 60 percent requirement, however, may have meant that Colorado would have been slow to adopt important changes or may not have adopted them at all.

- 3) By limiting the frequency of elections, the people lose some of their freedom to change their government. This proposal reduces votes on proposed constitutional amendments to once every two years. Citizens should be allowed to vote on constitutional issues at the statewide elections that occur in November of each year.
- 4) We have well-accepted rules for the current system of amending the constitution in Colorado and they have worked to the benefit of Colorado citizens over the years. There is no compelling reason for changing the rules to require 60 percent of the vote to approve constitutional amendments. Further, there are provisions in the constitution that need to be amended because they are so detailed and inflexible that they restrict the ability of the government to make changes. These provisions will be difficult or impossible to correct with a 60 percent vote requirement.

## REFERENDUM B — MAILING OF BALLOT INFORMATION

**Ballot Title:** An amendment to section 20 of article X of the constitution of the state of Colorado, increasing the time period for mailing ballot information to registered voters before a ballot issue election.

*The complete text of this proposal can be found on pages 48-49 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ specifies that local governments may coordinate the mailing of their ballot information with the mailing of the ballot information booklet prepared by the state, in order to save mailing costs; and
- ✓ to accomplish the coordinated mailing, changes the time frames for submitting arguments for and against local ballot proposals and for mailing local ballot information books to voters.

### **Background**

This amendment deals with the ballot information booklets compiled by local governments and by state government on issues before the voters. Local governments and the state government publish booklets, but there are different constitutional requirements on mailing the information, as well as on the subject matter and preparation of the booklets. A constitutional amendment adopted by the people in 1992 requires local governments to prepare and mail ballot booklets that include comments for and against local ballot proposals. This ballot booklet



## **REFERENDUM B — MAILING OF BALLOT INFORMATION**

must be mailed 15-25 days before the election. To have comments included in the local ballot booklet, proponents and opponents must submit their comments to local election officials at least 30 days before the election.

Ballot booklets on statewide issues are published separately from the local government publication. Under a provision of the constitution adopted in 1994, the state ballot information booklet is prepared by the nonpartisan research staff of the General Assembly. This booklet must be distributed to the voters at least 30 days before the election. The first mailing of this booklet to all voters occurred in 1995; the state expense for mailing was \$158,000.

This proposal eliminates the conflict in mailing dates for state and local booklets so the two mailings may be coordinated, although such coordination is not required. The mailing of the local ballot information booklet is changed from 15-25 days before the election to at least 30 days before the election. The amendment also changes the time frame in which citizens must submit arguments for and against local issues to local election officials. Comments from citizens for the local booklet must be received at least 45 days, instead of 30 days, before the election. This change is necessary if the booklets are to have coordinated mailings.

### **Arguments For**

- 1) All efforts should be made to use taxpayer dollars efficiently, and coordinated mailings of the state and local booklets will save government postage costs. Even if the savings are not substantial, the constitution should not preclude effective use of government resources. Any dollars saved can be put to other governmental purposes.
- 2) A coordinated mailing of state and local ballot information will result in voters' receiving one convenient packet of information on ballot issues. The current mailing schedule is confusing to voters because they receive two different mailings on ballot proposals that will appear on the same ballot.
- 3) The change in the mailing date ensures that all voters will have information on ballot proposals before they vote. Some voters are voting before they receive information from the counties on the local ballot proposals. Early voting starts 21 days before the election but the county clerks mail local ballot materials in the 15- to 25-day range before the election. The proposal corrects this problem by having all ballot materials sent at least 30 days before the election.

### **Arguments Against**

- 1) While coordinated mailings are a commendable goal, this amendment takes the wrong approach. The better approach would be to eliminate the dates in the constitution entirely so the state legislature could establish a process in state statute. State laws are more suited to technical issues, such as mailing dates, because they can be changed if they are unworkable. If setting the dates in the constitution is desirable, the mailing date for the state ballot booklet, rather than

## REFERENDUM C — COUNTY SHERIFFS — QUALIFICATIONS

the local booklet, should be changed. The date change in the amendment will mean that voters who register the last few days before registration cutoff will not receive the mailing.

- 2) Coordinated mailings will result in little, if any, postage savings since the same volume of information must be mailed. Counties now coordinate ballot information from all local governments but the effort of coordinating state and local mailings will involve additional employee-hours, possibly increasing government costs.
- 3) The proposal stretches out the election process. The booklets will need to be prepared before the major arguments in the campaign have crystallized. There could be late developments relating to the arguments that should be discussed in the booklets. A mailing that occurs closer to the election date — as is the case with the local ballot booklet — is preferable because voters are more interested in election issues as the election approaches. Mailing booklets closer to election day, with a shorter time for early voting, would help reduce the length of election campaigns.

## REFERENDUM C — COUNTY SHERIFFS — QUALIFICATIONS

**Ballot Title:** An amendment to article XIV of the constitution of the state of Colorado, concerning the office of county sheriff, and, in connection therewith, authorizing the general assembly to establish qualifications for the office of county sheriff.

*The complete text of this proposal can be found on pages 49-50 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ allows the General Assembly to establish qualifications for the office of county sheriff, including training and certification requirements.

### **Background**

The proposal provides constitutional authority for the training and certification requirements for the office of county sheriff that are currently in statute. In 1994, the Colorado Supreme Court ruled that the General Assembly must have constitutional authority before it can impose qualifications on constitutionally created offices. Although the court's decision specifically related to county assessors, the decision calls into question qualifications for county sheriff that the legislature adopted in 1990. This amendment would ensure that there is a constitutional basis for training and certification requirements for sheriffs adopted by the General Assembly.

The legislation concerning sheriff's qualifications and training contains three elements. First, it requires that a candidate be a citizen of the United States, have

## REFERENDUM C — COUNTY SHERIFFS — QUALIFICATIONS

at least a high school diploma, and be fingerprinted to determine whether the candidate had previously been convicted of a felony. The second part of the law outlines the requirements a sheriff must fulfill after the initial election. It requires that a sheriff be certified as a peace officer and attend 80 hours of training. Testing for certification includes topics such as firearms usage, arrest procedures, preliminary investigations, traffic control, law, and human relations. Courses pertaining to these topics are available at community colleges across the state. In the past, the 80 hours of training has included issues such as managing a jail, budgeting, civil process, and search and rescue. The third part of the law pertains to ongoing training, and requires that sheriffs take 20 hours of training related to their duties each year during their term of office.

Sixty-two of Colorado's 63 counties have county sheriffs that are elected, with Denver's sheriff being appointed. The constitution presently contains two qualifications for this office: a candidate for sheriff must be a qualified elector and have resided in the county one year prior to the election. Currently, one elected county sheriff does not meet the statutory standards established by the state legislature.

### Arguments For

- 1) The public safety responsibilities of sheriffs require that they meet professional standards. Sheriffs supervise law enforcement officers, carry weapons, search and detain people, conduct criminal investigations, manage jails, perform search and rescue, and fight wildfires. Sheriffs also perform civil duties, such as serve legal papers, evict tenants, and sell assets to satisfy judgements. These responsibilities and situations demand that each sheriff be qualified, especially in rural counties where sheriffs are often the only law enforcement presence. Technological developments and modifications to the law also mean that sheriffs' responsibilities are continually changing. By being able to place job qualifications in statute, the General Assembly can consider the changing responsibilities and make the necessary adjustments in training for the office.
- 2) Professional standards promote cooperation between federal, state, and local law enforcement agencies. Federal, state, and local authorities will be more inclined to involve a sheriff's office in cooperative law enforcement operations if sheriffs are well qualified. Similarly, sheriffs will be more likely to cooperate with one another if they are confident in the other's abilities. Better trained sheriffs will result in more efficient investigations and fewer claims of misconduct and lawsuits involving liability. Criminals will be apprehended more quickly and fewer criminals will be released prematurely because of lack of evidence or errors made during the initial investigation. Statutory requirements are necessary to ensure that sheriffs are trained and qualified.
- 3) Greater turnover in office will result in an increased need for training. In 1994, Colorado voters limited local elected officials to two terms of office, unless voters in a local government exempt themselves from this provision. In some counties, the turnover will result in less experience in the office of sheriff and a

## REFERENDUM D — UNEMPLOYMENT COMPENSATION INSURANCE

need for training programs to ensure that consistent and professional law enforcement is provided.

- 4) All other law enforcement officers in Colorado must be certified, including employees of the county sheriff. This proposal brings the office of county sheriff into line with the standards that other law enforcement officials must meet.

### Arguments Against

- 1) This amendment limits the basic right of the people to choose their elected officials. The desire to establish minimum qualifications is not a sufficient reason to deny people their choice of elected sheriff. No such standards or qualifications are provided for state legislators or county commissioners. A community may value more a candidate who is highly trusted and familiar with the local area rather than a person who has met state-imposed certification requirements. In addition, the standards could be set at a level that would limit the number of candidates so that filling the office will be difficult, particularly in small counties.
- 2) It is unreasonable to expect counties to spend the time and money to ensure that their sheriffs comply with the qualifications for the office. Constitutional limits on government revenues restrict county budgets, and state training requirements are simply another unfunded state mandate. Some counties may prefer to use their resources for other budget priorities.
- 3) The constitution should not be altered unless there is a significant problem; such a problem does not exist. Currently, only one of the 62 elected county sheriffs does not meet the legislative standards that were adopted by the General Assembly in 1990. The point of the training programs is to provide qualified sheriffs, not necessarily to have all sheriffs certified. The goal of training can be achieved voluntarily by sheriffs without constitutional or statutory requirements.

## REFERENDUM D — UNEMPLOYMENT COMPENSATION INSURANCE

**Ballot Title:** An amendment to section 20 of article X of the constitution of the state of Colorado, concerning the exclusion of funds for unemployment compensation from fiscal limitations, and, in connection therewith, modifying the definition of "fiscal year spending" to exclude unemployment compensation funds, excluding actions relating to charges imposed to fund unemployment compensation from the voter-approval requirement for tax increases, and requiring a one-time reduction in district bases to exclude a portion of a district's fiscal year spending from unemployment compensation funds.

*The complete text of this proposal can be found on pages 50-51 of this booklet.*

## REFERENDUM D — UNEMPLOYMENT COMPENSATION INSURANCE

### The proposed amendment to the Colorado Constitution:

- ✓ allows unemployment insurance taxes to be increased without voter approval;
- ✓ excludes unemployment compensation revenues from the calculation of governmental spending limits; and
- ✓ adjusts the fiscal year 1996-97 financial base for calculating the annual state spending limit to exclude a portion of unemployment compensation revenues.

### Background

Unemployment compensation insurance is part of a state-federal program that provides benefits to unemployed individuals who meet the eligibility criteria. Benefits are paid from a fund supported by taxes on Colorado businesses. Colorado employers pay unemployment insurance taxes on the first \$10,000 of each employee's wages; state law contains tax rate schedules for determining the amount of the tax. Tax rates vary with each employer's benefit experience.

The state Division of Employment and Training sets unemployment compensation tax rates based on the tax rate schedules and the current balance in the unemployment compensation fund. The balance in the unemployment compensation fund fluctuates, the amount available being one factor that determines tax rates from the schedules. The tax rate schedule has been changed by legislative action three times in the last 15 years – 1983, 1986, and 1991. The primary result of these changes was an increase in taxes for some classes of employers. In January 1995 and January 1996, the fund balance was sufficient to reduce the tax rate for some employers.

The state constitution limits state and local government spending and requires voter approval of any tax increases. There are three issues relating to unemployment compensation tax increases: whether voter approval is required for any tax rate changes made by the division within existing statutory schedules; whether voter approval is required for any increases in the schedules; and whether voter approval is required for increases in the taxable wage base. The Colorado Attorney General has issued an opinion that tax rate changes made by the division, within the existing statutory schedules, do not require voter approval, while voter approval is required to increase the schedules or the taxable wage base. The Colorado Supreme Court has not made a ruling on these issues. The amendment exempts changes regarding the unemployment insurance tax system from voter approval requirements.

Another part of the amendment adjusts how the state's financial base is calculated for purposes of determining the state spending limit. The proposal allows 20 percent of unemployment compensation spending in the state fiscal year 1996-97 – approximately \$44 million – to remain part of the financial base for calculating the 1997-98 spending limit.

## **REFERENDUM D — UNEMPLOYMENT COMPENSATION INSURANCE**

### **Arguments For**

- 1) Since the primary focus of the unemployment compensation insurance program is to aid the unemployed, the program needs to respond quickly to changes in the economic environment. Colorado citizens should not have to wait for a vote of the people if the unemployment compensation fund runs short. If additional funds are required beyond those currently provided for in statute, the measure allows the General Assembly to raise them in a timely fashion. Furthermore, in the event of an economic downturn, spending from the unemployment compensation fund will likely increase, limiting the state's ability to spend money for other programs, such as infrastructure or education.
- 2) Maintenance of unemployment compensation revenues and the taxes that support it should be the responsibility of the General Assembly. The unemployment insurance tax rate structure involves complicated relationships among several variables. In addition, the unemployment insurance tax system must conform to certain federal guidelines. Although changes to the tax rate schedule have been infrequent, the General Assembly is in the best position to determine the magnitude and timing of, and businesses affected by, any changes.

### **Arguments Against**

- 1) The citizens of Colorado should retain the right to vote on decisions regarding all taxes. This amendment chips away at the constitutional amendment, adopted by the voters in 1992, requiring voter approval of tax increases. Unemployment insurance taxes are mandatory payments, the same as any other tax. Government can set priorities for its spending in a way that makes up any deficit in the unemployment compensation fund without increasing taxes. Tax increases mean fewer dollars available for wage increases and business investment and more dollars being spent by the government. If unemployment insurance taxes need to be raised, the voters should be told the reasons for the proposed increase and be allowed to make a decision regarding it. If the General Assembly is granted an exemption regarding unemployment compensation, the same arguments could be made about other taxes, resulting in requests for additional exceptions.
- 2) The amendment takes the wrong approach in its adjustment of the state's spending limit. The amendment allows 20 percent of unemployment insurance revenues to remain in the state financial base in fiscal year 1996-97. This provision potentially increases government spending and reduces the possibility of tax refunds in the next few years. Rather than being arbitrarily phased out, unemployment insurance revenues should be either totally included or excluded from the spending limit.

## AMENDMENT 11 — PROPERTY TAX EXEMPTIONS

**Ballot Title:** An amendment to the Colorado Constitution concerning property tax exemptions, and, in connection therewith, eliminating any property tax exemptions for real property used for religious purposes, real property used for for-profit schools, real property used for charitable purposes other than for community corrections facilities, orphanages, or for housing low-income elderly, disabled, homeless, or abused persons, and real property used for nonprofit cemeteries; continuing the property tax exemptions for real property used for nonprofit schools, community corrections facilities, orphanages, and housing low-income elderly, disabled, homeless, or abused persons, unless otherwise provided by general law; continuing the property tax exemptions for personal property used for religious worship or strictly charitable purposes, unless otherwise provided by general law; and decreasing the property tax rate to prevent a net revenue gain to any taxing entity as a result of the elimination of exemptions, unless otherwise provided by general law.

*The complete text of this proposal can be found on page 51 of this booklet.*

### The proposed amendment to the Colorado Constitution:

- ✓ eliminates the existing tax exemption for *real* property (land and improvements) used for religious purposes, but continues the exemption for *personal* property (movable items) used for religious worship;
- ✓ eliminates the existing tax exemption for *real* property used for nonprofit charitable purposes except as specified in the amendment, but continues the exemption for *personal* property used for nonprofit charitable purposes;
- ✓ continues the exemption for *real* and *personal* property used for community corrections facilities, orphanages, or housing for low-income elderly, disabled, homeless, or abused persons, when the property is not used for profit;
- ✓ continues the exemption for property used for nonprofit schools, including colleges and universities;
- ✓ eliminates the property tax exemption for nonprofit cemeteries;
- ✓ requires that the property tax rate decrease proportionately to prevent a net revenue gain to any taxing entity; and
- ✓ continues to allow the exemptions to be completely or partially repealed by state statute.

### Background

Today, property that is owned and used for religious, charitable, or school purposes is exempt from taxation. As a result, many nonprofit organizations do not pay property taxes on property they own and use for these purposes. Examples of exempt property include churches, synagogues, and mosques, as well as private nonprofit schools, hospitals, child care centers, orphanages, homeless shelters, and cemeteries. Current law also exempts property owned and used by amateur sports clubs, veterans organizations, and fraternal organizations.

## AMENDMENT 11 — PROPERTY TAX EXEMPTIONS

Under this proposal, religious and charitable groups that own real property will pay property taxes, unless the activities on the property are among those that will continue to be exempt. The amendment exempts real property used for schools, orphanages, community corrections facilities, and housing for low-income elderly, disabled, homeless, or abused persons, when not used to generate profit. Like the current exemptions, this proposal pertains only to privately-owned property; property which is used for public (government) purposes is not affected by this amendment and will continue to be exempt from property taxation.

According to state figures, this amendment would affect approximately 7,500 properties throughout the state with a taxable value of over \$800 million and an estimated market value of nearly \$3 billion. At least \$70 million in property taxes would be collected from religious and charitable organizations, which is equal to roughly 2.6 percent of all property taxes collected in 1995. These dollar estimates are considered low, however, because values for much of the property used for religious and charitable purposes have not been updated in recent years.

***Impact of the amendment on property taxes.*** Repealing many of the current exemptions will increase the number of properties that pay property taxes. Governments will not receive more money, however, because the amendment calls for the property tax rate to be reduced proportionately to prevent any gain in property tax revenue. The reduction in the property tax rate, or mill levy, will differ by taxing jurisdiction (county, city, school district, or special district) depending on the amount of new taxable property located within the jurisdiction.

The fiscal impact of this proposal is difficult to predict because of the amendment's complexity and the lack of accurate information. However, this amendment will cause residential taxpayers in some areas to pay more in property taxes than they would have paid without the amendment.

### Arguments For

- 1) Fairness dictates that everyone who uses public services share the costs of paying for those services. Tax-exempt organizations receive police and fire protection and benefit from libraries, streets, public schools, and other services paid for by the property tax, without paying the tax. By charging only some property owners for costs incurred by all, the current system forces taxpayers to subsidize these exempt organizations. Homeowners and businesses should not have to subsidize organizations that they do not choose to support. Exemptions should only be allowed for purposes that the community has a duty to provide — schools, orphanages, community corrections facilities, and housing for low-income elderly, disabled, homeless, or abused persons.
- 2) The exemptions allowed today have been broadened far beyond the wording of the constitution, leading to abuses. The constitution specifically exempts from taxation any property that is used *solely and exclusively* for religious worship or for strictly charitable purposes. However, over time the definition has been expanded to include many other types of property not directly related to



## AMENDMENT 11 — PROPERTY TAX EXEMPTIONS

religious worship or strictly charitable purposes, such as parsonages, camp facilities, office space, and athletic facilities. Also, many groups organized as “charitable” primarily use their exempt property for the benefit of their limited membership, not for society as a whole. On the other hand, many businesses perform charitable acts without the exemption.

- 3) Requiring religious organizations to pay property taxes, like all other organizations, ensures and honors the concept of separation of church and state. Government should be neutral toward religion, but the exemption indirectly forces others to subsidize religious groups by paying higher property taxes. A tax on essential public services is not a tax on religious beliefs, and removing the tax exemption will not infringe on any rights connected with religious freedom.
- 4) The current exemptions give an unfair advantage to nonprofit organizations competing directly with similar businesses in the private sector. For example, some nonprofits provide the same facilities and services as restaurants, health clubs, stables, or outdoor camps, but they can charge lower fees than private companies because their costs are lower without property taxes. Likewise, nonprofit day care facilities and hospitals do not pay property taxes, so they have an unfair advantage in competing with other day care or health care facilities. The subsidy provided through property tax exemptions distorts the competitive nature of the market place and should be eliminated.
- 5) The measure provides property tax relief. The \$70 million in revenue collected from religious and nonprofit groups is not an increase for the government; it will be returned to taxpayers through lower mill levies. Communities with more new taxable property would see greater reductions in their mill levies. The amendment lightens the property tax burden of those currently paying the tax, while still taking care of the needy.

### Arguments Against

- 1) This measure indirectly taxes people who donate to churches and charities because the donations will be diverted from providing services to paying property taxes. As a result, donors and volunteers may be discouraged from making future contributions or donating their time. As citizens, we should be doing all we can to encourage individuals to contribute their time, money, and experience to private nonprofit charities.
- 2) Colorado depends on charities and churches to fill many needs. As a society, we rely on charitable groups to provide many human services including counseling, health care, family help programs, programs for the mentally ill, and services for youth. Without this assistance, more needy citizens will be forced to turn to the government for aid, but the private sector can often provide assistance better and for a lower cost than the government. These days, nonprofit community groups are asked to do even more to help the less

## AMENDMENT 12 — TERM LIMITS

fortunate in society, but taxing churches and other nonprofit organizations will only reduce their ability to provide charitable services.

- 3) Imposing property taxes on churches and charitable organizations will force some to close, eliminating the activities and services they offer. Government cannot possibly replace them all since no increased money will be available and some rely on volunteers today. Services that may be lost include those that the community has a duty to provide, such as medical assistance, food banks, child care, meals on wheels, soup kitchens, and social activities for youth and the elderly. Further, many communities in Colorado are served by nonprofit hospitals, which are currently exempt. This amendment could force many of these hospitals to increase their charges for services, possibly reducing access to health care for many Coloradans.
- 4) Taxing churches could lead to excessive involvement by the state in religious activities, which is prohibited by the federal constitution. By eliminating the exemption for religious property, this proposal would expand government interaction with religious organizations through the valuation of church property, reporting and auditing requirements, and the potential for tax liens and tax foreclosures.
- 5) Residential property owners in some areas could pay more in property taxes because of this measure. The main beneficiaries will be businesses and industries because they pay the largest share of property taxes. The small benefit to taxpayers is not worth the \$70 million burden that this amendment places on religious and charitable organizations.

## AMENDMENT 12 — TERM LIMITS

**Ballot Title:** An amendment to the Colorado Constitution concerning congressional term limits, and, in connection therewith, specifying a proposed amendment to the U.S. Constitution that limits U.S. senators to two terms, former and incumbent U.S. senators to one additional term, U.S. representatives to three terms, and former and incumbent U.S. representatives to two additional terms; instructing Colorado's state senators and representatives to vote to apply for an amendment-proposing convention; instructing Colorado's U.S. senators and representatives to pass said term limits amendment; requiring that all election ballots have "disregarded voter instruction on term limits" next to the name of an incumbent U.S. senator or representative or incumbent state senator or representative when such senator or representative fails to take specific actions in support of said term limits amendment; providing that non-incumbent candidates for U.S. and state senator and representative be given an opportunity to take a pledge in support of said term limits amendment; requiring that primary and general election ballots have "declined to take pledge to support term limits" next to the name of a non-incumbent candidate who has not signed such pledge; authorizing the Secretary of State to determine whether the terms of this amendment have been complied with and whether such

## AMENDMENT 12 — TERM LIMITS

designations should appear on the ballot; and allowing any legal challenge to this amendment to be filed with the Supreme Court of Colorado as an original action.

*The complete text of this proposal can be found on pages 52-53 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ begins the process in Colorado to call a convention to propose an amendment to the U.S. Constitution to limit congressional terms;
- ✓ provides that the congressional term limits amendment considered at the amendment-proposing convention, commonly referred to as a constitutional convention, restricts members of the U.S. House of Representatives to three two-year terms and members of the U.S. Senate to two six-year terms, and limits former and current House members to two additional terms and Senate members to one additional term;
- ✓ instructs each Colorado state legislator to vote for a constitutional convention to propose a congressional term limits amendment to the U.S. Constitution and to ratify the amendment when it is referred to the states;
- ✓ requires that, until the congressional term limits amendment is approved by the Colorado General Assembly, all election ballots identify any state legislator who failed to vote for the amendment during the steps necessary to amend the U.S. Constitution;
- ✓ instructs each member of Colorado's congressional delegation to vote for the amendment;
- ✓ requires election ballots to identify each member of Congress from Colorado who fails to vote for the amendment during the steps in the process necessary to win its approval;
- ✓ requires primary and general election ballots to identify which non-incumbents running for Congress and the state legislature have not signed a pledge to vote for the term limits amendment; and
- ✓ provides that challenges to the amendment be filed before the Colorado Supreme Court.

### **Background**

First in 1990, then in 1994, Colorado voters limited the terms of office for elected officials to the U. S. Congress. These limitations, along with congressional term limits approved by 22 other states, were struck down by the U.S. Supreme Court in 1995.\* In its decision, the Supreme Court ruled that congressional term limits can only be established in the U.S. Constitution, not by action of the individual states. Local and state term limits, such as those in Colorado, are unaffected by the court's decision.

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1. *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995).

## AMENDMENT 12 — TERM LIMITS

The U.S. Constitution provides two methods by which amendments may be proposed. Congress can propose an amendment by a two-thirds vote of each house's members, or two-thirds of the states can pass a resolution to apply to Congress to call a constitutional convention. In either case, a constitutional amendment must be approved by the legislatures of three-fourths of the states or in conventions of three-fourths of the states. At least 34 states must adopt a resolution to convene a constitutional convention for term limits. In 1996, at least 17 states have attempted to get this initiative on their state ballots, and 10, thus far, have been successful in doing so.

***Members of U.S. Congress.*** Eighteen persons from Colorado have served in the U.S. House of Representatives since 1970. Of these 18 members, the number of terms served range from three members serving 13, 12, and 8 terms down to one member serving one term. Of the total membership of the 1995-96 U.S. House of Representatives, about 51 percent have served more than three terms, or more than six years. The average number of terms served by current members of the U.S. House of Representatives is about five terms or 10 years.

Eight persons from Colorado have served in the U.S. Senate since 1970. Of these eight members, the number of terms have ranged from a high of one member serving three terms (18 years) to three members serving one term. Of the 100 members of the 1995-96 U.S. Senate, 45 have served more than two terms, i.e., more than 12 years. The average number of terms served by the entire 1995-96 membership of the U.S. Senate is 2.6 terms or slightly over 15 years.

### Arguments For

- 1) We cannot expect Congress to act against its self interest; voters must force the issue by initiating a proposal limiting their representatives' terms. For example, 33 term limit measures have been introduced in the present Congress. None received the necessary votes for a constitutional amendment. Efforts are underway in at least 14 states to place the issue before the voters.
- 2) Term limits will make Congress a citizen legislature and will focus Congress on national instead of parochial interests. Many qualified individuals will be willing to serve four or six years in Washington and then will return home to resume their careers. The turnover from term limits will bring more real world experience to the decisions made by Congress. For Colorado members who have served in the House of Representatives since 1970, the average number of years served is about nine, more than the six-year limit in the proposal.
- 3) This initiative gives voters the opportunity to know how candidates stand on the issue of congressional term limits. First, the ballot will indicate whether a non-incumbent candidate has pledged to vote at every opportunity for a congressional term limits amendment. Second, a ballot designation reflects incumbents' legislative actions on this issue. These methods are ways of holding candidates accountable to the voters.

## AMENDMENT 13 — PETITIONS

- 4) The claim argued by opponents that a constitutional convention could radically alter the Constitution is unreasonable. Three-fourths of the states must ratify any constitutional amendment passed by the convention. Thirty-eight states still must ratify any proposed amendment.

### Arguments Against

- 1) Calling for a constitutional convention could result in changes far beyond the term limit issue. Although a convention might be called for a specific purpose, such as a term limits amendment, there is nothing in this proposed amendment or in federal law that restricts a constitutional convention from going beyond the term limits issue. Even if the Congress limits the issues considered at a constitutional convention, convention delegates could go beyond the legal boundaries. In fact, at the original constitutional convention in 1787, delegates disregarded the rules and altered the ratification process. Thus, a “runaway” convention is possible.
- 2) In a representative democracy, people should be able to vote for the candidates they want to have in office without arbitrary limits. There is nothing wrong with having long-time experience in public office. To believe otherwise is to believe that elective office is the one vocation where experience is an obstacle to good performance. The price of this measure will be a shift in power from elected officials to lobbyists and nonelected officers, including administrative and congressional staff, because term limits result in a loss of institutional memory and continuity in elected positions.
- 3) This proposal subverts the basic idea of representative government. The initiative instructs Colorado state and congressional elected officials to vote for a congressional term limits amendment at every opportunity. Colorado has never required that its elected officials pledge to vote on any issue. Coloradans send elected representatives to the state legislature and to Congress to exercise their best judgement on a wide variety of matters affecting the welfare of citizens. When voters lose confidence in the judgement of their elected representatives, those representatives are voted out of office.
- 4) This measure fails to address what ails the current political system. Non-competitive elections and advantages of incumbency can be reduced without limiting terms of office. For instance, campaign spending could be limited, congressional sessions could be shortened, mailing and traveling privileges could be reduced or withdrawn, congressional salaries could be reduced, and district lines can be redrawn for more competitive races.

## AMENDMENT 13 — PETITIONS

**Ballot Title:** An amendment to the Colorado Constitution concerning petitions, and, in connection therewith, changing initiative and referendum rights and procedures; extending petition powers to registered voters of all local governments;

## AMENDMENT 13 — PETITIONS

limiting initiative ballot titles to 100 words; limiting the annual number of newly enacted laws that governments may exclude from possible referendum petitions; establishing standards for review of filed petitions; requiring voter approval for future petition laws and rules and for changes to certain future voter-approved petitions; and authorizing lawsuits to enforce the amendment.

*The complete text of this proposal can be found on pages 53-55 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ extends initiative and referendum petition powers to citizens of local governments that do not have these processes – school districts, counties, special districts, enterprises, and authorities;
- ✓ establishes petition procedures for state and local governments, some of which are new and some of which replace existing procedures:
  - *Ballot titles* – limits the length to 100 words, requires ballot titles to be set within seven days of a request, allows any district court to set titles, prohibits preparation of a summary or fiscal impact statement, limits the time to challenge titles or single-subject compliance, directs the Supreme Court to decide these questions within 21 days, gives the Supreme Court sole jurisdiction on single-subject challenges, and sets the form of referendum titles for the ballot;
  - *Signature gathering* – establishes the percentage of signatures required for local government initiative and referendum petitions, requires that affected governmental units provide petition forms to proponents of petitions and allows a fee for providing such forms, prohibits the government from restricting the collection of signatures on government-owned property that is open, limits the regulation of petition circulators, and expands the time frame for collecting signatures;
  - *Signature review* – establishes the legal standard of “beyond a reasonable doubt” for invalidating signatures, requires the challenger to prove that the signatures are invalid, reduces the time permitted for protesting signatures and for filing additional signatures, and sets a standard for evaluating errors in petitions;
  - *Elections* – permits any statewide citizen-referred or initiated ballot question to be voted on at odd-year November elections, as well as the general election in even-numbered years, and specifies that any such local ballot question may appear on the ballot only at November elections or at the local biennial election; and
  - *Voter information materials* – before each election, requires distribution to voters of comments prepared by proponents and of summaries of opponents’ comments, limits the length of such comments, and sets time frames for the submission of comments;
- ✓ not counting appropriations for government operations, restricts to not more than nine the number of measures exempted from possible referral to voters that a

## AMENDMENT 13 — PETITIONS

governing body may enact in any year, and requires a vote of three-fourths of the body to approve such measures;

- ✓ requires voter approval within the following eight years for the reenactment of any legislative provision that has been referred by petition and rejected by the voters;
- ✓ permits future voter-approved initiatives to be changed only by approval of the voters;
- ✓ after March 1, 1997, requires voter approval of future state or local laws or regulations relating to citizen-referred or initiated petitions;
- ✓ provides that a simple majority of those voting on the issue is required for approval of citizen-referred or initiated ballot questions; and
- ✓ specifies how Colorado courts are to interpret the amendment if litigation arises, sets time frames for filing suits charging violations of the amendment, and addresses costs and attorney fees for plaintiffs and defendants.

### Background

The Colorado Constitution, since 1910, has reserved to the people the power of initiative and the power of referendum. The power of initiative allows the people, through petition, to change the state constitution, state statutes, or local municipal charters or ordinances. The power of referendum permits the people to place a measure enacted by the legislature on the ballot, excluding measures exempted by a “safety clause.” A safety clause designates the measure as necessary for the immediate preservation of the public peace, health, and safety. This amendment addresses initiative and referendum powers in two primary ways. First, it extends the scope of petition rights by allowing petition powers in all governments, including those which do not currently have these powers. Second, the amendment addresses many aspects of the petition process, from petition filing and signature gathering through implementation, for all units of government.

**Title setting.** Currently, the sponsor of an initiative or referendum submits the petition to the Secretary of State or the city clerk, as appropriate. At the state level, a board sets a title and provides a summary and a fiscal impact statement for the proposal; for cities, the governing body sets the titles. This amendment allows petitioners the alternative of submitting their measure to a state district court for title setting, prohibits preparation of a summary or fiscal impact statement, and limits ballot titles to 100 words. The amendment also establishes the required wording for referendum titles and exempts referendum titles from appeal to the courts.

**Petition printing and signature gathering.** The amendment requires, upon request, that the affected government print and deliver petition forms to petitioners. The government may charge actual costs up to \$1 per 100-entry form. Currently, state petition sponsors are responsible for printing their own petitions; cities may furnish petition forms if they so choose. Provisions relating to the petition form effectively eliminate ballot titles on each page and a space or listing for the county

## AMENDMENT 13 — PETITIONS

of the signer. Unlike current law, errors in the petition forms cannot be used to invalidate the petition.

Under the proposal, petitioners have nine months after the delivery of the petitions to gather signatures. This is longer than the six months now provided by the state. Municipalities set their own maximum time requirements, up to six months. The number of signatures required for statewide petitions – five percent of votes for Secretary of State candidates in the last election – will not change from current law. For the November 1996 election, this requirement equals 54,242 valid signatures of registered voters. Requirements for municipal initiatives will be reduced under this amendment. Current law allows municipalities to set the number of signatures in a range of five to fifteen percent of the registered electors in the city; this amendment changes the requirement to five percent of votes cast in the jurisdiction for the Secretary of State in the last election. The new provision applies to all local governmental units.

**Review of signatures.** The proposal favors petitioners in several respects. Instead of an immediate check of each signature by the election official for validity, signatures on petitions are presumed to be valid. Currently, for state issues, the Secretary of State has 30 days to check signatures, followed by a 30-day period within which citizens can file challenges. The amendment shortens to seven days the period within which signatures are counted and challenges are filed. A time period of up to 14 days is then allowed for a hearing. A challenger to a petition signature must prove that it is invalid before it can be removed. Signatures cannot be declared invalid solely on the basis of random sampling, which is now used, or machine reading of entries, which is not used but is permitted under law.

If state signature requirements have not been met, petitioners currently have a 15-day "cure period" during which to file corrections or additional signatures. A shorter time period of seven days is provided. This seven-day cure period is new for local governments.

**Emergency measures.** A law that includes a safety clause is not subject to referendum petition. The amendment limits to nine the number of legislative measures a governing body can exempt from possible referendum petition. It requires a three-fourths vote of all members of the local board or of each house of the state legislature to pass such a measure. The current exception for appropriations measures remains. There is now no limit on the number of exemptions to possible referendum petitions a governing body may pass.

**Voter information materials.** Ballot information booklets for statewide issues are now written by the nonpartisan staff of the General Assembly and sent to residences of active registered voters in Colorado. Local governments are required to distribute comments filed for and against fiscal measures on the ballot. The amendment requires local governments to distribute such comments on all ballot issues. The amendment allows petition proponents to have up to 500 words printed in state and local ballot information materials and opponents to have their comments summarized in a statement not longer than that of the proponents.



## AMENDMENT 13 — PETITIONS

### Arguments For

- 1) A balance needs to be restored to a lawmaking system that gives excessive power to elected officials influenced by paid lobbyists. This amendment restores that balance by ensuring that the people are allowed to influence the lawmaking process. If there are issues that large segments of Colorado citizens want to see addressed, then people should be able to bring them to the voters without unreasonable restrictions. Citizens will not abuse the system by petitioning on trivial issues; the system is too difficult for that.
- 2) Decisions of local governing bodies affect the lives of citizens every day; the proposal extends the petition process to the citizens of those governments. Many actions taken by a school board or a county government impact people in a community more directly than actions of the state and federal governments. Petition powers that can now be exercised at the state and city level should be available to citizens of all other governments. Citizens deserve a voice in decisions made by local governments.
- 3) Making the signature-gathering process less burdensome will encourage citizen involvement. Government should not be an adversary of the petition process by stopping petition efforts on the basis of technical or typographical errors. When citizens sign a petition, they have a right to expect that their signatures will count and will not be thrown out because of petty technicalities. Many of the current requirements regarding petition signature gathering and signature checking are unnecessary and overly stringent. A high standard of proof should be required before invalidating signatures. The proposal limits detailed requirements concerning petition circulators. This amendment also standardizes the percentage of signatures required at every level of government. It lengthens the time allowed for gathering signatures to nine months, which will allow both volunteers and paid circulators more time to gather signatures.
- 4) All single subject challenges should be decided only by the Supreme Court and only when the ballot title is set. This procedure will achieve uniform results and ensure the challenge is decided before the petition drive or the election. A voter-approved petition should not be invalidated by the courts for a reason that should have been raised early in the process.
- 5) The proposal returns the referendum power to the people. At the state level, over 95 percent of new laws include a safety clause, preventing citizens from exercising their referendum petition rights. As a result, not one referendum question has been on the ballot since 1932. By limiting the number of measures with safety clauses, policymakers will have to decide carefully what constitutes an emergency. These changes bring more accountability and credibility to the legislative process.
- 6) The role of government should not include controlling information about ballot issues. Under this proposal, proponents of a ballot issue are guaranteed that their comments will be placed in the ballot information booklet. Opponents'

## AMENDMENT 13 — PETITIONS

arguments will also be presented. This proposal ensures that the ballot information booklet will be a "citizen document" and an accurate reflection of citizen concerns, rather than a government-produced analysis subject to possible political bias. The full text of each proposal will also be sent to each voter household for careful pre-election review.

- 7) The amendment encourages initiatives to be presented as statutory changes rather than constitutional amendments. Voter-approved statutes are protected from repeal or amendment by the legislature unless otherwise permitted in the measure. Most initiatives have been offered as constitutional changes, whether appropriate or not for the constitution, in part because statutes may be repealed or amended at any time without voter approval.

### Arguments Against

- 1) The cumulative effect of changes in this proposal represent an attack on representative government. The result will be more initiated and voter-referred ballot proposals on legislative issues that elected officials would ordinarily decide. Taxpayers will bear the additional expense of conducting elections, which will divert resources that could be used for other purposes. Voters elect lawmakers to represent them and to make policy decisions based on testimony presented, and study and debate on the issues. Many people have neither the inclination nor the time to make governmental decisions through ballot initiatives. The changes in this amendment would favor two groups of voters: special interests, particularly those with money to invest in initiative campaigns, and disgruntled individuals and fringe voters who choose to challenge any decision with which they disagree.
- 2) The amendment impedes the ability of government at all levels to implement new laws in a reasonable time and address emergency situations. Subjecting almost all new legislation to possible referendum petition could throw the policy process into chaos. A small number of petitioners will be able to slow down the process significantly. Since non-emergency measures cannot become effective until 91 days after final adjournment of the General Assembly for state measures or final publication for local measures, governing bodies will be unable to respond quickly to issues. In some years it is entirely possible that there could be more than nine issues facing a governing body for which emergency legislation is necessary to protect the health and safety of the public.
- 3) This amendment moves away from a tradition of public discourse and deliberation to resolve policy issues. Important issues will be oversimplified and manipulated by media campaigns of well-financed special interests. A ballot proposal may contain a good idea, but also carry with it changes of less merit that may be difficult to detect. Voters cannot accept only portions of an initiative while rejecting others; initiatives are an "all or nothing" choice. When campaigns are mounted for and against ballot issues, initiatives will be simplified and the totality of the proposals and their implications may be overlooked or misconstrued.

## AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

- 4) The proposal invites abuse of the initiative process. The standard for rejecting signatures on petitions – valid until proven invalid “beyond a reasonable doubt” – is so high that fraudulent signatures will be counted. The time and resources needed to determine fraud under this standard will prohibit thorough review of signatures. Allowing only seven days to file a challenge to signatures is not enough time for opponents to gather information that would meet the more difficult standard. Evidence of signature invalidity would need to be prepared for a hearing within 14 days after the filing of a challenge. The present signature verification process now protects the public by assuring that the signatures counted for ballot proposals are valid and that invalid signatures are not counted.
- 5) The provisions in the amendment are far too detailed for the constitution. The constitution should be reserved for highly important substantive matters, and this amendment adds items that are procedural and administrative. For example, it includes a \$1 charge for printing and delivery of petitions, and a prohibition on preparing fiscal impact statements on ballot issues. As with all of the provisions, they could only be amended by another voter-approved measure.
- 6) The proposal creates an inappropriate status for laws approved by voters. A voter-initiated statute could be changed only by another vote of the people. It is unwise to have state statutes or local ordinances that cannot be changed in any way by elected officials. Voter-initiated measures are not often amended by the General Assembly, but this amendment keeps legislators from making changes as circumstances warrant. Complex policy areas such as workers’ compensation or education finance, for example, require legislative fine-tuning that is prohibited under the amendment.

## AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

**Ballot Title:** An amendment to the Colorado Constitution concerning prohibited methods of taking wildlife, and, in connection therewith, prohibiting the use of leghold traps, instant-kill body-gripping design traps, poisons, or snares; providing an exception for the use of such methods by certain governmental entities for the purpose of protecting human health or safety or managing fish or other non-mammalian wildlife; providing an exception for the use of such methods to control birds or to control rodents other than beaver and muskrat, as otherwise authorized by law; providing an exception for the use of such methods on private property, under certain conditions, to reduce damage to crops or livestock; providing an exception for the use of certain non-lethal snares, traps, or nets to take wildlife for purposes of scientific research, falconry, relocation, or medical treatment under rules of the Colorado Wildlife Commission; providing that the measure shall not apply to the taking of wildlife with firearms, fishing equipment, archery equipment, or other implements in hand as authorized by law; incorporating the current statutory definitions of the terms “taking” and “wildlife”; and requiring the General Assembly to enact implementing legislation by May 1, 1997.

## AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

*The complete text of this proposal can be found on page 55 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ prohibits the use of leghold and instant-kill, body-gripping design traps, snares, or poisons to take wildlife on public and private land;
- ✓ permits the use of traps, snares, or poison by:
  - private landowners, lessees, or their employees – for one 30-day period per year – when there has been ongoing crop or livestock damage on private property which cannot be stopped by other means;
  - governmental departments of health to protect human health and safety;
  - individuals to control birds or rodents, except beaver and muskrat, as permitted by other federal or state laws; and
  - employees of the Colorado Division of Wildlife to take or manage fish or other aquatic wildlife;
- ✓ provides that nonlethal traps, snares, and nets may be used to take wildlife for scientific research, falconry, relocation, or medical treatment under rules of the Colorado Wildlife Commission; and
- ✓ specifies that the amendment does not apply to the taking of wildlife using firearms, fishing equipment, archery equipment, or other hand-held devices authorized by law.

### **Background**

State law permits some wildlife species to be trapped or snared in Colorado. Wildlife that would be affected by this proposal are classified by the Colorado Division of Wildlife into two categories, furbearers and big game. Furbearers include animals such as coyote, beaver, bobcat, raccoon, and red fox, whose fur has commercial value. Big game species include bear and mountain lion. Snares are sometimes used to catch big game species suspected of causing damage to livestock. Furbearers are trapped and snared more often than are big game, thus they are the primary species affected by this proposal. Few scientific studies have been done on populations of furbearers in Colorado, so the impact of these methods on the populations of furbearers is uncertain.

Wildlife is trapped or snared for two primary purposes: (1) for recreation and profit from the sale of pelts; and (2) to manage situations where wildlife is causing damage to livestock, crops, or property. Two regulated poisons are used to control damage caused by coyotes, red fox, and striped skunks. People who trap or snare wildlife to minimize property damage are not required to purchase a license to trap, although people who trap for recreation or profit must purchase one. The number of Colorado residents who have purchased a license that allows them to trap has averaged 1,050 for the last three years, and these licenses have generated approximately \$22,000 per year in license fees. These funds, in addition to other monies, are deposited into the wildlife cash fund.

## AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

Much less than one percent of the \$60 million wildlife cash fund was paid by the state to farmers, ranchers, and property owners for damage to property and livestock caused by bear and mountain lion. Farmers and ranchers are not reimbursed from public monies for damage caused by coyotes and other furbearers.

Of the livestock killed by predatory furbearers such as coyote, fox, and bobcat, the majority are sheep or lambs. Losses of other types of livestock to predators have been relatively small in recent years.

There are two primary state agencies with authority to regulate the taking of wildlife species. The Division of Wildlife regulates commercial and recreational trapping of wildlife in addition to any activities involving threatened or endangered species. State law, enacted in 1996, gives the Commissioner of Agriculture authority over individual animals or groups of animals that may prey on agricultural products and livestock. The Commissioner of Agriculture is developing regulations regarding trapping, snaring, and poisoning these animals.

**Current regulations.** The Division of Wildlife regulations regarding commercial and recreational trapping and threatened or endangered species include the following:

- require that traps and snares, except those used in situations where wildlife is causing damage, be checked daily rather than every 48 hours as previously required. In situations where wildlife is causing damage, new regulations require traps and snares be checked at least once every other day;
- make the trapping of certain animals illegal, including gray fox, swift fox, kit fox, pine marten, mink, opossum, ringtail, weasels, spotted and hog-nosed skunks;
- shorten the recreational trapping season for badgers, coyotes, red foxes, raccoons, striped skunks, muskrats, beavers and bobcats; and
- as of March 1, 1997, require that leg-hold traps which are set on land be equipped with commercially manufactured padded jaws or their equivalent and that snares be converted from killing devices to restraining devices.

Only state and federal animal damage control agents and a limited number of private animal damage control specialists may use poisons to take wildlife. Both groups are limited to using two poisons approved and regulated by the Environmental Protection Agency.

### Arguments For

- 1) The methods of taking wildlife prohibited by the proposal are inhumane and should be banned. The use of leghold traps or snares can result in prolonged suffering of trapped animals. Some animals injure themselves while trying to

## AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

escape from snares. Traps, snares, and poisons may not actually kill the animal immediately, causing the animal to suffer.

- 2) Traps, snares, and poisons can be indiscriminate methods of killing wildlife. Endangered or non-target species may be mistakenly captured in traps. For example, river otter may be caught in traps set for beaver. In addition, pets or humans may be accidentally hurt in traps.
- 3) Trapping, snaring, and poisoning may not control individual problem-causing animals and sometimes kill animals that have not caused problems. Humane, nonlethal methods, including the use of guard animals, offer alternatives to help keep predators away from livestock.
- 4) This proposal allows farmers and ranchers who can demonstrate legitimate, ongoing damage to trap, poison, or snare wildlife to protect their property. Thus, these methods are available for one 30-day period, that may be selected at any time during the year, to property owners who have not been able to minimize damage by using firearms or other permitted devices.

### Arguments Against

- 1) This initiative will reduce the flexibility necessary for the Colorado Department of Agriculture, farmers, ranchers, and hired damage control professionals to protect property from predators. Farmers and ranchers in Colorado lose a portion of their livestock and crops to species that are trapped, snared, or poisoned. If these methods are eliminated, fewer alternatives exist to minimize damage to livestock and crops. The 30-day period during which trapping, snaring, and poisoning may be allowed is not long enough to protect calves or lambs. Although the calving and lambing periods for individual ranchers sometimes last only 30 days, predators continue to prey on young animals throughout the year.
- 2) Trapping, snaring, and poisoning are established methods approved by the Division of Wildlife to control some species of wildlife. For example, trapping and snaring are methods that are used to capture wildlife such as mountain lions that can be nuisances or threats to human health and safety. The division would be prohibited from using these methods as they can only be used by state and local departments of health to protect human health and safety. Departments of health do not have the expertise to deal with such species. Without the use of traps and snares, the division has limited options to control wildlife in these situations. In addition, methods that would be prohibited by this proposal would not be available for the division to protect threatened or endangered species from predators.
- 3) In some urban/suburban areas, trapping is used to protect property and pets from some species of wildlife. This initiative may limit the ability of urban/suburban property owners and municipalities to protect private property or pets. For example, property owners or municipalities could only use cage

## AMENDMENT 15 — CAMPAIGN FINANCE

traps to capture coyotes or foxes which cause damage in an area where firearms are prohibited. These traps are not practical or effective for capturing coyotes and most foxes. By excluding the use of traps, municipalities could incur additional expense to protect property and pets since other methods for controlling wildlife could require more time and personnel.

- 4) This proposal is the type of subject matter that should be addressed by changing the law or government agency rules rather than amending the constitution. The constitution should be reserved for broader concepts such as the description of basic rights and the basic structure of government. Placing this proposal in the state constitution does not allow the necessary flexibility to address unforeseen circumstances or new technologies for predator control.

## AMENDMENT 15 — CAMPAIGN FINANCE

**Ballot Title:** An amendment to the Colorado Revised Statutes concerning campaign reform, and, in connection therewith, limiting the amount of campaign contributions to candidate committees, political committees, and political parties; prohibiting candidate committees and political parties from making or accepting certain contributions; specifying who may contribute to a candidate committee; limiting the amount of unexpended campaign contributions that a candidate can carry over from one campaign to another campaign; creating voluntary campaign spending limits and attendant disclosure requirements; and reenacting, with amendments, current campaign reform law definitions and provisions regarding deposits of contributions, limits on cash contributions and expenditures, the prohibition on contribution reimbursement, uses of unexpended contributions, notice and disclosure of independent expenditures, reporting of contributions and expenditures, registration requirements for candidates and committees, civil and criminal sanctions and penalties, expenditures for political advertising, encouraging withdrawal from a campaign, home rule counties and municipalities, and contribution limits on state and political subdivisions and lobbyists.

*The complete text of this proposal can be found on pages 56-67 of this booklet.*

### The proposed amendment to the Colorado Revised Statutes:

- ✓ reduces the amount of money, goods, and services that *individuals* can contribute to legislative and statewide candidates for office, and limits the amount they can contribute to political parties and political committees;
- ✓ further limits the amount of money that *political committees* can contribute to candidates, and sets a total amount that a candidate can accept from all political committees;
- ✓ specifies amounts that *political parties* can contribute to candidates;

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- ✓ sets voluntary spending limits for political races, encourages candidates to voluntarily agree to those limits, and establishes penalties for candidates who exceed the limits;
- ✓ prohibits contributions between candidate committees;
- ✓ specifies how moneys left over from a campaign may be used by a candidate, and limits the amount a candidate may keep for future campaigns; and
- ✓ requires candidates, political committees, and political parties to disclose amounts and sources of contributions monthly during an election year.

### Background

Provided as background is a comparison of Colorado campaign finance law with the proposed amendment in the areas of contribution limits, voluntary spending limits, unexpended campaign contributions, independent expenditures, reporting requirements, and penalties. The provisions in this proposal apply to legislative and statewide candidates for office, but do not apply to federal candidates.

**Contribution limits.** The proposal limits the amount of money, goods, and services that various individuals and organizations may contribute to candidates for state offices. Table 1 on the following page presents the proposed limits and compares them with the limits that exist under the law adopted in 1996 that will take effect in 1997.



(Limits under the "Proposed" column would become effective in January 1997; limits under the "Present" column apply to election cycles commencing January 1, 1997)

	Candidate to Corporate and Union Contributions	Candidate to Candidate (including Federal Candidate to State Contributions)	Total Contributions a Candidate may Receive from Political Committees	Individual to Candidate	Political Party to Candidate	Political Committee to Candidate	Candidate to Corporate and Union Contributions
Governor	\$1,000	\$5,000	\$400,000	NL	Proposed	Present	Proposed
Li Gov	\$1,000	\$2,500	\$20,000	NL	Proposed	Present	Proposed
Sec of State	\$1,000	\$2,500	\$80,000	NL	Proposed	Present	Proposed
State Treas	\$1,000	\$2,500	\$80,000	NL	Proposed	Present	Proposed
Atty Gen	\$1,000	\$2,500	\$80,000	NL	Proposed	Present	Proposed
Senate	\$200	\$1,000	\$15,000	NL	Proposed	Present	Proposed
Hse of Rep	\$200	\$500	\$10,000	NL	Proposed	Present	Proposed
St Bd of Ed	\$200	\$500	\$10,000	NL	Proposed	Present	Proposed
CU Regent	\$200	\$500	\$10,000	NL	Proposed	Present	Proposed
Dist Atty	NL	\$500		NL	Proposed	Present	Proposed

NL: No Limit

1. Individual and political committee contributions to candidates double if the candidate is in a contested primary.
2. At-large candidates for the State Board of Education or the Regents of the University of Colorado may receive \$1,000 from a federal candidate, while State Board of Education and Regent candidates representing congressional districts are limited to receiving \$500 from federal candidates.

## AMENDMENT 15 — CAMPAIGN FINANCE

In addition to contributions to candidates, the proposal deals with contributions to political parties and political committees. Contributions by persons to a political party are limited to \$2,500 each year, while current law allows individuals to contribute up to \$25,000 to political parties every two-year election cycle. In addition, persons are limited to donating \$250 every two years to political committees; current law does not limit these contributions.

**Voluntary spending limits.** The amendment establishes voluntary campaign spending limits and encourages candidates to accept those limits. Table 2 lists the spending limits in the proposal; current law does not contain any such limits.

**Table 2 — Proposed Voluntary Spending Limits**

<b>Candidate</b>	<b>Voluntary Spending Limit</b>
Governor	\$2,000,000
Secretary of State	\$400,000
Attorney General	\$400,000
State Treasurer	\$400,000
Lt. Governor	\$100,000
State Senate	\$75,000
State House of Representatives	\$50,000
State Board of Education	\$50,000
Regent of the University of Colorado	\$50,000

Candidates who agree to spending limits may advertise this compliance in political messages. Candidates not accepting the limits must note this fact in their political messages. The proposal also requires that a statement appear on each primary and general election ballot indicating which state candidates have accepted the spending limits and which candidates have not. A further incentive to accept the spending limits relates to campaign contributions. When one candidate agrees to limit spending but an opponent does not, the candidate who agrees may receive double the maximum contributions. Doubling of the contribution limit only applies if the candidate who does not accept the spending limits has raised more than 10 percent of the spending limit.

Under the voluntary spending limits, personal contributions are counted as political committee contributions and are subject to the limitation on the total amount that a candidate may accept from political committees. Candidates who exceed the spending limits after agreeing to voluntarily limit campaign spending are subject to penalties.

**Unexpended campaign contributions.** This measure outlines the permissible uses for unexpended campaign contributions. Similar to current law, a candidate may

## AMENDMENT 15 — CAMPAIGN FINANCE

give unexpended funds to a political party or a charitable organization recognized by the Internal Revenue Service or may use the unexpended funds in a subsequent campaign. The proposal also allows the candidate to return the money to contributors. Uses that are permitted under current law but not specifically addressed in this proposal include establishing postsecondary educational scholarships and conducting mailings and constituent communications.

When a candidate keeps unexpended campaign contributions for use in the next election, the moneys are counted as contributions from political committees and are subject to the applicable limitations. Unexpended contributions to a ballot issue committee may be donated to any charitable organization recognized by the IRS or returned to the contributor.

***Independent expenditures.*** Campaign expenditures made by a group that is not associated with a candidate or candidate committee are called independent expenditures. The proposed amendment requires immediate reporting of all independent expenditures in excess of \$1,000 to the Secretary of State. Current law requires reporting of all independent expenditures over \$500.

Under this measure, advertisements paid for by independent expenditures over \$1,000 must disclose the identity of the person making the independent expenditure, the amount of the expenditure, and a specific statement that the advertisement is not authorized by the candidate. Under current law, disclosure of the name of the person making the expenditure and a statement that the advertisement is not authorized by the candidate is required in all advertisements paid for by independent expenditures. Whether the state can require such disclosure may be an issue in light of the United States Supreme Court's recent decision upholding the right to distribute anonymous campaign literature.

***Reporting.*** The proposal provides more frequent reporting of campaign contributions and expenditures than current law. Quarterly reporting in off-election years and additional monthly reporting before and after a major election replace the current requirement that reports be filed 11 days before and 30 days after any election. Under the proposed amendment, monetary contributions over \$20 and contributions of goods and services valued over \$20 must be reported to the Secretary of State. Current law requires candidates to report all monetary contributions over \$25 and any contribution of goods and services valued over \$100.

***Penalties.*** The penalty provisions of the proposal differ from current law in several respects. Civil penalties are reduced under the proposal, but the criminal penalties are increased. In addition, any candidate convicted of violating any provision of the amendment is disqualified from running for state or local office for four years. Current law provides that any candidate who conspires with another person to violate the campaign finance law forfeits the right to assume the office in that election or must vacate the office if already sworn in.

## **AMENDMENT 15 — CAMPAIGN FINANCE**

### **Arguments For**

- 1) This proposal reduces the impact of special interests on the political process while increasing the influence of individual citizens. By lowering the amount of money that a candidate can accept from special interests and political committees, the amendment encourages candidates to appeal directly to voters for campaign funds. The amendment will return the responsibility of funding campaigns to the citizens, and will reduce the overwhelming fundraising advantage that incumbents currently have over challengers.
- 2) The proposal strengthens the role of political parties and the responsibility of candidates to their party. Political parties are allowed to accept and distribute more money than political committees, which are not affiliated with political parties. These higher limits will make the political parties stronger and give them more flexibility in contributing to their candidates for office. The political parties will act as a buffer between a candidate and special interest money, and will be better able to support their candidates of choice.
- 3) Spending limits assure more equitable competition by preventing one candidate from having an excessive advantage over another in campaign spending. Although the spending limits in the proposal are voluntary, they contain incentives to persuade candidates to limit their spending. For example, candidates may accept double the contribution limits if an opponent has not agreed to spending limits. Voluntary spending limits are the only means of limiting spending by individual candidates and of reducing the influence of private wealth to fund campaigns. The voters benefit when there is increased competition for public office.
- 4) Voters have a right to know where candidates get their contributions. This amendment will require candidates to disclose their campaign contributions and expenditures more frequently, thus giving the public timely access to that information.

### **Arguments Against**

- 1) The proposed amendment places unrealistically low limits on the amount of money that individuals may contribute to a candidate; current law provides limits that are more reasonable than those in the proposal. Candidates, especially challengers, need to be able to raise enough money to adequately inform voters about their positions. Low contribution limits will not reduce the importance of money, rather they will benefit wealthy candidates who can use personal resources. There is little doubt that special interests will continue to contribute to campaigns; the question is how they will contribute. Because of the strict limits on contributions, special interests will make more independent expenditures which are outside of the control of a candidate. This will result in the candidate not being held responsible for what is said in a campaign.

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- 2) The limits on contributions and unexpended campaign funds may infringe on free speech. Contributions to candidates are a legitimate form of participation in the political process. Limiting campaign contributions restricts how and to whom a person may show political support. Contributing to a campaign is a matter of choice. The person or political committee who contributed the funds is not worried about the use of the funds; when contributions are made the donors trust that the money will be used wisely. In addition, limiting a candidate's ability to carry over campaign funds to the next election restricts a candidate's ability to decide when and how to spend the money.
- 3) The voluntary spending limits under this proposal raise First Amendment issues since the limits may not, in practice, be voluntary at all. A candidate who does not accept the spending limits must disclose this fact in all political messages and will have this non-acceptance indicated on the primary and general election ballots. Further, non-acceptance of voluntary spending limits may give the opposing candidate a financial benefit in the amount of contributions he or she may accept. The involuntary disclosure and the negative connotations from not accepting the spending limits, in addition to the financial consequences, may make the spending limits mandatory, thereby infringing on free speech.
- 4) The proposed amendment is trying to fix a problem where none exists. Colorado's campaign finance law enacted in 1996 adequately limits the amount of money that can be contributed to candidates, limits how a candidate may distribute unexpended campaign funds, and provides for adequate and timely reporting. This new law should be given a chance to work before making additional changes to the campaign reform law. In addition, the more frequent reporting requirements in the proposed amendment place additional burdens on unpaid volunteers who assist in political campaigns. Voluntary spending limits, the primary issue not addressed in current law, are not necessary because contributions to candidates are already limited.

## AMENDMENT 16 — STATE TRUST LANDS

**Ballot Title:** An amendment to the Colorado Constitution concerning the management of state assets related to the public lands of the state held in trust, and, in connection therewith, providing that the board shall serve as the trustee for the lands granted to or held by the state in public trust; adding to the board's duties the prudent management and exchange of lands held by the board; requiring the board to manage lands held by the board in order to produce reasonable and consistent income over time, and to recognize that economic productivity and sound stewardship of such lands includes protecting and enhancing the beauty, natural values, open space, and wildlife habitat thereof; providing for the establishment of a long-term stewardship trust of up to 300,000 acres of land; requiring the board to take other actions to protect the long-term productivity and sound stewardship of the lands held by the board, including incentives in agricultural leases which promote sound stewardship and sales or leases of conservation easements;

## AMENDMENT 16 — STATE TRUST LANDS

authorizing the board to undertake non-simultaneous exchanges of land; authorizing the General Assembly to adopt laws whereby the assets of the school fund may be used to assist public schools to provide necessary buildings, land, and equipment; providing opportunities for school districts in which lands held by the board are located to lease, purchase, or otherwise use such lands for school building sites; requiring the board, prior to a land transaction for development purposes, to determine that the income from the transaction will exceed the fiscal impact of the development on local school districts; allowing access by public schools for outdoor education purposes without charge; expanding the state board of land commissioners to five members and requiring a diversity of experience and occupation on the board; reducing the terms of office of the members of the board to four years; directing the board to hire a director and a staff; and providing for personal immunity of the individual board members from liability in certain situations.

*The complete text of this proposal can be found on pages 67-70 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ changes the Colorado State Board of Land Commissioners' current constitutional duty of maximizing revenue from state trust lands to managing the lands to produce reasonable and consistent income over time;
- ✓ directs the board to manage the trust lands by:
  - setting aside between 295,000 and 300,000 acres of trust land for uses that will protect beauty, natural values, open space, and wildlife habitat;
  - including terms and incentives in agricultural leases that promote long-term agricultural productivity and community stability;
  - developing and using natural resources in a way that conserves their long-term value; and
  - selling or leasing rights to land, known as "conservation easements," to protect open space and maintain environmental quality and wildlife habitat;
- ✓ requires that the board determine that the revenue from developing trust lands for homes or businesses will be greater than the cost of educating new students associated with the development;
- ✓ requires the board to comply with local land use regulations and plans;
- ✓ permits the board to exchange trust land for other land as long as any exchange is completed within two years;
- ✓ restructures the membership and operation of the board by requiring the Governor to appoint a new board by May 1, 1997, increasing the number of members on the board from three to five, requiring that specific areas of expertise be represented on the board, reducing the length of appointed terms from six to four years, limiting

## AMENDMENT 16 — STATE TRUST LANDS

- members' service to two consecutive terms, and eliminating the salary for board members;
- ✓ permits the legislature to enact laws that allow the public school fund to be used to invest in and guarantee school district bonds and to make loans to school districts;
- ✓ permits the board to sell or lease trust lands to school districts for school buildings;
- ✓ provides that revenue from school trust lands be in addition to other funding provided by the state legislature for public schools; and
- ✓ permits public schools to have access to trust lands without charge for outdoor educational purposes so long as such access does not conflict with existing uses on the land.

### Background

State trust lands are the public lands granted to Colorado by the federal government at statehood to support schools and other public institutions. Under the state constitution, the Colorado State Board of Land Commissioners manages the roughly three million surface acres and four million mineral acres that remain of the original federal grant. Ninety percent of the land managed by the board – approximately 2.6 million of the three million acres – is held in trust by the state for the public schools. The other 400,000 surface acres are parts of trusts benefitting higher education, state correctional facilities, state parks, and legislative and judicial buildings. The changes in the proposed amendment that affect the board's management of trust lands impact all of these lands.

The state constitution currently requires that the board maximize revenues from the trust lands. These lands are used for a variety of purposes to earn money for their beneficiaries. While most of the surface acres are leased for grazing and crop production, the board also leases land for development of residential, commercial, and industrial property, timber harvesting, oil and gas extraction, and mining. In fiscal year 1994-95, the board earned about \$9 million in rents from trust lands for public schools and the other trust beneficiaries.

The board also sells land and collects royalties on minerals, oil, and gas extracted from trust lands. Money from these sources is deposited in the appropriate trust fund, but only the interest from the trust fund may be spent. Of the total revenue (rents, land sales, and royalties) produced by the state trust lands in fiscal year 1994-95, 56 percent came from nonrenewable resources such as coal, oil, and gas, 29 percent from agricultural and grazing leases, 5 percent from land sales, and 10 percent from sources such as timber sales and recreation.

***Change in mission.*** The proposal changes the board's current duty of securing the maximum possible amount of revenue from trust lands to managing the lands to produce reasonable and consistent income over time. The board also has new duties under the proposal. The board is required to protect the long-term productivity of the land and to set aside between 295,000 and 300,000 acres for

## AMENDMENT 16 — STATE TRUST LANDS

uses, which could include existing uses, that protect beauty, natural values, open space, and wildlife habitat. This acreage is about ten percent of the total lands currently managed by the board. In addition, the board's agricultural leases are to promote sound land management practices, and natural resources must be managed in a way that conserves their long-term value.

The General Assembly is currently allowed to impose reasonable legislative regulations on the management of trust lands. These regulations are permitted even if they reduce the amount of revenue from the trust lands. For example, the state legislature has enacted laws on the procedures for leases and land sales. The law also contains a process for the state to buy lands that have a unique economic or environmental value to the public, and it requires that the uses of trust lands meet governmental land use regulations. The proposal continues the ability of the General Assembly to enact laws on the management of the trust lands, as long as the laws are consistent with the new constitutional provisions.

**Public schools.** Most of the money raised from the trust lands benefits the state's kindergarten through twelfth grade public schools. In fiscal year 1994-95, Colorado's public schools received about \$25 million from school trust lands, which is 1.4 percent of the state's \$1.8 billion budget for public schools. Rent provided \$8.7 million and \$16.3 million came from interest on the public school trust fund. In the past, the revenue from the trust lands has been combined with other state revenue to fund public education under the state school finance law.

The proposal expands the purposes of the public school trust fund to allow it to be used to buy and guarantee school district bonds and to lend money to school districts. The state legislature must adopt legislation to allow the fund, which contains about \$260 million, to be used for these purposes. Currently, the state does not buy school district bonds, but it does make payments to avoid district default. Since legislation is required to implement the bond guarantee provisions of the amendment, the effect of the differences between the current bond guarantee program and any new program resulting from the proposal cannot be determined.

The proposal also permits the board to sell or lease trust lands for school building sites and to allow public schools free access to trust lands for outdoor educational purposes.

**Board membership.** The proposal increases the number of commissioners on the land board from three to five, and requires that four of the members represent specific areas of experience: production agriculture, elementary or secondary education, local government and land use planning, and natural resource conservation. The fifth member will be a citizen-at-large. Of the three present members, the state constitution requires that one member – a civil engineer – meet professional qualifications. In current law and under the proposal, the members are appointed by the Governor and confirmed by the Senate. The present members are paid annual salaries of \$39,650; the proposal eliminates salaries for board members but increases demands on staff. The board currently operates with 26



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full-time staff members headed by a staff director hired by the commissioners. Under the proposal, the board will hire a staff director with the consent of the Governor.

### Arguments For

- 1) It is time for the board to help meet the challenge of preserving open space in Colorado. The increasing population of Colorado and the pressures for land development that this growth causes make maintaining the natural beauty and attractiveness of the state a priority. The trust lands will be managed in a way that balances the importance of natural values, open space, and wildlife habitat with traditional uses, such as farming and ranching, and raising revenue for public schools and other beneficiaries. Land is one of the most precious resources of Colorado, and the state should preserve as much of it as possible for the benefit of future generations.
- 2) The new structure of the board better reflects the interests of the public schools and the other groups involved in and affected by the management of trust lands. Including a person with experience in public education on the board will provide it with the perspective of the largest trust beneficiary. Also, the relationship between the board and local governments and communities will improve with local government experience on the board. Shorter terms increase accountability to trust beneficiaries and the public at large. In addition, the change in the board's membership will allow the board to focus on policy rather than managing day-to-day activities.
- 3) The proposal benefits the state's public schools in several ways. First, the General Assembly's current practice of using revenue from the trust to replace other state dollars for education is prohibited. Second, money in the public school trust fund can be used to make loans to school districts for buildings and to guarantee school district bonds. Third, by providing the board with additional flexibility to manage trust lands, the board will be able to increase revenue by acquiring more economically productive land and by disposing of less valuable land. Fourth, land development decisions will be directly tied to their impact on area school districts. Finally, the proposal broadens opportunities to school districts by directing that the trust lands be available for outdoor educational purposes without charge.
- 4) The proposal's focus on managing the trust lands to protect beauty and natural values will keep land in agricultural production. With this focus, Colorado's long agricultural heritage will be preserved. By removing the board's duty to maximize revenues, the proposal eliminates the current upward pressure on grazing fees. In effect, profitable grazing and agricultural leases on trust lands will be protected as important elements of the long-term economic health of rural communities.

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### Arguments Against

- 1) The proposal will have an approximate impact of \$25 million on the state budget or education funding. Public school enrollments, as of October 1995, indicate that the General Assembly will have to provide an additional \$38 per pupil from state tax dollars to maintain current funding levels. This proposal requires that moneys from the school trust lands be in addition to, rather than a substitute for, state general fund dollars. In effect, either the schools will lose money or the state will need to take approximately \$25 million annually from other budgets to satisfy the requirements for schools under this proposal.
- 2) The board's change in mission emphasizes open space over the financial needs of the public schools, and weakens the original purposes of the state trusts. The federal government gave the land to Colorado to support schools and other public institutions. The trust lands will produce less money for schools if ten percent of the acreage, which could be more than ten percent of the value of the land, is used to preserve open space. Interest from the public school trust fund will be reduced if the fund is used to make loans to school districts and buy school district bonds. The board is the only entity responsible for managing lands to make money for schools. Several other entities – public and private – work on the preservation of open space, natural values, and wildlife habitat. Currently, these public and private entities can purchase unique or environmentally valuable land or development rights at fair market value. Over 36 percent of the state is federal and state land and much of that land is available for recreation or, in effect, for open space. The public schools should not be penalized by the agendas of those who emphasize the need for open space in Colorado.
- 3) The new structure of the board will result in special interests and politics prevailing over the board's ability to serve the public schools. The board's role of trustee is in danger of being fragmented by five individual interests rather than being driven by the goal of serving the needs of the public schools. The management of trust lands becomes more politicized by increasing the number of members on the board and by requiring the Governor to approve the selection of the director. In addition, the board loses its independence when terms are reduced. These changes create more of an opportunity for the Governor, the state legislature, and special interests to exercise their influence over the board.
- 4) The proposal puts agricultural land, oil, gas, and mining activities, and the economic benefit they produce in surrounding communities, in jeopardy. The conservation objectives in the proposal have the potential to reduce leasing to develop oil, gas, and mineral resources. Lands could be taken out of agricultural production because of the amendment's focus on open space and natural values. Any reduction in agricultural production, gas, oil, or mineral leasing will cause unemployment and other economic disruptions to rural

## AMENDMENT 17 — PARENTAL RIGHTS

economies dependent on the agricultural industry and on natural resource extraction.

- 5) The proposal creates competing goals for the board. Instead of a duty to maximize revenue primarily for the benefit of the public schools, the board faces the simultaneous duties of protecting natural values, wildlife habitat, and open space, producing consistent revenue over time, and aiding the financial needs of the public schools. One or more of these goals is in danger of being sacrificed because there is no clear mission for the board, and the board will become a battleground of conflicting interests and political values.

## AMENDMENT 17 — PARENTAL RIGHTS

**Ballot Title:** An amendment to the Colorado Constitution concerning parental rights, and, in connection therewith, specifying that parents have the right to direct and control the upbringing, education, values, and discipline of their children.

*The complete text of this proposal can be found on page 70 of this booklet.*

**The proposed amendment to the Colorado Constitution:**

- ✓ declares that parents have the natural, essential and inalienable right to direct and control the upbringing, education, values, and discipline of their children.

### Background

The rights of parents and children are recognized in state laws and through court interpretations of these laws. The courts make judgments concerning the rights of children and parents on various issues including adoption, child support, custody, criminal child abuse, delinquency, dependency and neglect, divorce, relinquishment or termination of parental rights, and education. A brief overview of some areas of Colorado law affecting children follows.

**Child protection.** State law requires government intervention to protect children when there are claims that a parent or guardian has abandoned, mistreated, or abused a child. Doctors, teachers, and a variety of other professions and occupations that regularly come into contact with children are required to report evidence of child abuse, such as bruises, broken bones, or burns. Government intervenes through the courts. In these cases, a county department of social services files a dependency and neglect petition in the court seeking to have the family obtain treatment to remedy the situation. A petition can also be filed if a child, through no fault of the parent, is homeless, has run away from home, or is beyond the control of the parent or guardian. The court is required by state law to base its decisions on what is in the best interests of the child. The standard of best interests of the child is also used in adoption, juvenile delinquency, and child custody cases.

## AMENDMENT 17 — PARENTAL RIGHTS

A dependency and neglect case may not be brought for acts which are a reasonable exercise of parental discipline. In Colorado, a parent may discipline his or her child using physical force, if such force is reasonable and appropriate, to maintain discipline or promote the welfare of the child. In fact, these reasons can be used as a defense to a criminal charge of child abuse. Consequently, persons investigating reports of child abuse are required to take into account accepted child-rearing practices of the child's culture.

In addition, dependency and neglect petitions are not filed in instances of spiritual healing in Colorado. State law allows parents to treat their children through spiritual means in lieu of medical treatment. The religious beliefs of a parent, however, cannot prevent a child from receiving medical care when a condition is life-threatening or will result in serious disability.

**Consent laws.** Parental consent is usually required for medical treatment, unless the minor is married or fifteen years of age or older and living apart from his or her parent independently. Permanent sterilization is a medical procedure that requires parental consent. Parental consent is not required to treat minors for drug or alcohol addiction, for access to abortion, for testing and treatment of HIV/AIDS and sexually transmitted diseases, or for access to birth control supplies, information, and procedures. A minor may obtain mental health services without the consent of a parent, but the health care provider may notify the parents of the treatment without the minor's consent.

**Education.** Parents have the option of placing their children in public, independent, parochial, or private home-based education programs. In the area of public education, parents can provide their ideas on policy to their locally elected school boards and educational accountability and content standards committees. Under state law, parents may remove their children from a health educational program, which may include sex education, if it is contrary to the parents' religious beliefs.

### Arguments For

- 1) The amendment is intended to affirm the individual, natural, and inalienable rights of parents in raising their children. Constitutional recognition of parental rights can ensure that these rights will not be undermined by the legal, political, educational, and medical systems. Courts can use the amendment to develop sensible, reasonable rulings on the parameters of parental rights. This amendment and these rulings will give policy makers direction on how the fundamental rights of parents should be considered in formulating public policy.
- 2) Parents could use this amendment to assert their right to direct and control the education of their own children. Colorado public schools will be more accountable to parents and not be allowed to infringe on parental values and authority. The amendment is not intended to give one parent the right to dictate

## AMENDMENT 17 — PARENTAL RIGHTS

curriculum decisions to an entire classroom because that would violate the rights of other parents. The amendment clearly states that parents have the right to direct the education of their children, not other children. Yet, schools could continue to maintain their rightful authority to set reasonable standards for curriculum and discipline.

- 3) The proposed amendment aims to limit government authority and curtail government excesses in dealing with families. By restoring traditional parental authority, the integrity and solidarity of the family unit is protected against intrusive outside forces. Parents know what is in the best interest of their children and families. Therefore, they should have constitutional protection to direct and control their children's lives until the children become adults. This amendment could protect against parental rights being undermined by bureaucracies and increase parents' freedom to perform their parenting roles.
- 4) The proposal will establish additional legal protection for parents when faced with excessive actions of the government. Whether in education, social services, or other areas, there are feelings of powerlessness and frustration with what are considered arbitrary actions and the lack of timely resolution of disputes involving government agencies. The amendment does not provide quick remedies, but does provide a statement of policy that the rights of parents must be given greater consideration.

### Arguments Against

- 1) The language of the amendment is broad and raises uncertainty as to how it may be applied. Laws and governmental practices affecting children and services and programs available to them may be subject to court challenge under this amendment. The words "discipline," "values," "upbringing," and even "parent" are unclear. The amendment does not specify whose parental rights prevail if there is conflict between parents, as in custody cases, child support determinations, and adoption proceedings. Some parents may use this amendment to file lawsuits in an attempt to change established public policy.
- 2) This proposal may negatively impact public education. Carefully balanced decisions of local school boards, acting with parental support, may be delayed indefinitely or overturned completely by the actions of any parent that disputes these decisions. Under the amendment, parents may gain decision-making authority over the hiring and firing of school employees. Parents may also gain rights of approval and disapproval over materials, curriculum, and teaching methods. Religious teachings, such as creationism, may be injected into the school curriculum after costly court battles. Schools may be required to tailor an individual education plan for each student whose parent challenges the curriculum.
- 3) Public health may be endangered by this amendment. It could limit the rights of minors to access confidential medical services, drug or alcohol addiction

## AMENDMENT 18 — LIMITED GAMING IN TRINIDAD

treatment, suicide prevention, and possibly emergency medical care. The amendment could curtail the availability of birth control counseling, HIV/AIDS screening, and sexually transmitted disease treatment to teenagers.

- 4) Laws regarding the protection of children may be weakened or set aside. Parents accused of criminal child abuse may claim in their defense that they were merely exercising their constitutional right to discipline their child. Currently, the state has a compelling interest in maintaining protection of children and should continue to have the power to intervene in certain situations. State law contains many safeguards for parents' rights, including the right to reasonably discipline their children. In cases of child abuse or neglect, parents are given ample opportunity to change their behavior through treatment and educational classes. If they fail to change their behavior and the child is still endangered, this amendment may delay or prevent removal of the child from the home. Termination of parental rights occurs only in those cases where parents never become able to keep their children safe. This amendment shifts the balance from the best interest of a child to the direction and control of the parent.

## AMENDMENT 18 — LIMITED GAMING IN TRINIDAD

**Ballot Title:** An amendment to the Colorado Constitution to permit limited gaming, subject to a future local vote, in original or reconstructed historic buildings in the national historic district of the City of Trinidad and to allocate tax and fee revenues from such limited gaming.

*The complete text of this proposal can be found on pages 71-72 of this booklet.*

### **The proposed amendment to the Colorado Constitution:**

- ✓ legalizes limited gaming in Trinidad, as it exists in Black Hawk, Central City, and Cripple Creek, if approved in a local vote conducted within 150 days of the statewide election;
- ✓ restricts gaming to commercial buildings or replicas of commercial buildings that had existed prior to 1914 in the Corazon de Trinidad National Historic District;
- ✓ includes Trinidad's limited gaming revenue in the distribution formula in the Colorado Constitution for proceeds from the present gaming communities;
- ✓ directs the Limited Gaming Control Commission to administer limited gaming in Trinidad; and
- ✓ requires that the General Assembly act to implement provisions of this amendment within 30 days after voter approval at the local election.

## AMENDMENT 18 — LIMITED GAMING IN TRINIDAD

### Background

**Legalization of limited gaming.** In 1990, Colorado voters approved a constitutional amendment permitting limited gaming in the commercial districts of Black Hawk, Central City, and Cripple Creek. Limited gaming includes slot machines, blackjack, and poker, with a maximum single bet of five dollars.

The Ute Mountain Ute tribe and the Southern Ute Indian tribe of southwestern Colorado operate casinos on reservation lands in accordance with federal law. Because tribal sovereignty supersedes state law, such operations are exempt from state taxation and supervision. Each tribe operates a casino with a maximum bet of five dollars.

**Distribution of revenue.** Moneys collected from the taxation of gaming proceeds minus payouts to players and administrative expenses are deposited in the state limited gaming fund. The revenue is distributed as follows: 50 percent to the state general fund; 28 percent to the state historical fund, of which 80 percent is allocated for the preservation of historical sites statewide, and 20 percent for historic preservation sites in gaming communities; 12 percent for the counties in which casinos are located; and 10 percent for the cities in which casinos are located. Trinidad and Las Animas County will receive money under this distribution formula.

**Administration.** Limited gaming is administered by the Limited Gaming Control Commission which consists of five members appointed by the Governor and approved by the Colorado Senate. The commission is responsible for administering limited gaming operations, issuing licenses to casinos, collecting device fees, and determining the annual tax rate on gaming revenues.

**Tax rates.** Gaming proceeds are taxed by the state. The maximum tax rate established by the Colorado Constitution is 40 percent. For October 1995, through September 1996, casinos are taxed at the following rates, which are based on gaming proceeds.

### Gaming Tax Rates

Accumulated Monthly Proceeds	Tax Rate
\$5 million or more	18 percent
\$4 million to \$5 million	15 percent
\$2 million to \$4 million	8 percent
Up to \$2 million	2 percent

## AMENDMENT 18 — LIMITED GAMING IN TRINIDAD

**State revenues.** State tax revenue from Colorado casino operations has steadily increased since limited gaming began in October 1991. For example, in fiscal year 1993-94, the state received \$39.8 million in gross tax revenue, while, in fiscal year 1995-1996, the state received \$50.8 million. Black Hawk produced \$30.2 million of the FY 1995-1996 total; Central City, \$11.4 million; and Cripple Creek, \$9.2 million.

### Arguments For

- 1) Limited gaming will boost Trinidad's economy and benefit the surrounding area of southeastern Colorado. For Trinidad, limited gaming will stimulate the business community in the town's historic district. Trinidad, population 8,600, should be able to absorb the effects of limited gaming with less disruption than the smaller cities in which gaming is now permitted. New business development will increase land values and strengthen the property tax base. Expanding the variety of commerce within the local community will create new employment, reducing the area's high unemployment rate. Currently, there is no limited gaming along the south Interstate-25 corridor. For the surrounding area of southeastern Colorado, limited gaming, as a new attraction, will help establish a year-round tourist economy, drawing visitors from the neighboring states of New Mexico, Texas, Oklahoma, and Kansas.
- 2) Statewide passage of this amendment simply gives the voters in Trinidad the opportunity to decide whether to allow limited gaming in their city. The final decision on limited gaming will be made by the citizens of Trinidad, the people who are directly affected by the measure.
- 3) The proposal will assist in preserving historic buildings in Trinidad by providing an economic reason for rehabilitating largely vacant historic buildings. Historic sites in Trinidad will be eligible to compete for a portion of the gaming tax revenue set aside for preservation of historic sites in gaming communities. Since 1993, \$30.9 million of preservation funds have financed 874 historic preservation projects across the state.

### Arguments Against

- 1) The proposal will have a costly and negative impact upon the quality of life, governmental services, and economic diversity of the small community of Trinidad and the surrounding area. Local and county governments will face an immediate need for increased services including law enforcement, traffic control, court services, and road repair. The community values will be compromised due to demographic changes and issues such as increased alcohol-related incidences, congestion, and petty offenses. There is no guarantee that limited gaming monies will be enough to pay for the increased demands for services. Finally, gambling tends to take over the economies of small towns and limits the opportunities for economic diversity.



## **AMENDMENT 18 — LIMITED GAMING IN TRINIDAD**

- 2) There are already limited gaming opportunities in Colorado. Currently, three cities and two Indian reservations allow limited gaming. If another city is authorized to offer limited gaming, more communities will want to use gambling as an economic tool. This is another step toward statewide gambling, which may not be in the best interest of Colorado.
- 3) Allowing limited gaming in Trinidad will have a serious effect on established gambling businesses in the south central part of Colorado, Cripple Creek in particular. The planned expansion of gaming facilities in Cripple Creek will be threatened by new gaming jurisdictions. Since there are limited dollars available for gambling, expansion of the business to Trinidad will dilute any perceived benefits of gaming to both Trinidad and Cripple Creek.



**Text of Proposal – Referendum A**  
**VOTER APPROVAL – CONSTITUTIONAL AND STATUTORY AMENDMENTS**

Senate Concurrent Resolution 95-002

*Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

**SECTION 1.** At the next general election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 1 (2) and (4) of article V of the constitution of the state of Colorado are amended, and the said section 1 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

**Section 1. General assembly - initiative and referendum.** (4) (a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election. ~~and~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), all such measures shall become the law or a part of the constitution when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (4), ON AND AFTER JANUARY 1, 1997, PROPOSED CONSTITUTIONAL AMENDMENTS SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY AT LEAST SIXTY PERCENT OF THE VOTES CAST THEREON.

(c) (I) A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND OR REPEAL ANY PROVISION THAT WAS ADOPTED BY LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (4) THEN IN EFFECT SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY A SIMPLE MAJORITY OF THE VOTES CAST THEREON.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2003.

(d) NOTWITHSTANDING ANY INFERENCE TO THE CONTRARY IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, THE REQUIREMENT THAT INITIATED AND REFERRED MEASURES BE SUBMITTED TO THE PEOPLE OF THE STATE AT THE BIENNIAL REGULAR ELECTION IS MANDATORY FOR PROPOSED AMENDMENTS TO THIS CONSTITUTION AND NO SUCH AMENDMENT CAN BE SUBMITTED FOR APPROVAL OR REJECTION AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR.

(4.5) NOTWITHSTANDING SUBSECTION (4) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL HAVE NO POWER TO AMEND OR REPEAL ANY LAW ENACTED BY THE INITIATIVE WITHIN FOUR YEARS OF THE DATE OF THE OFFICIAL DECLARATION OF THE VOTE ADOPTING THE INITIATIVE UNLESS THE GENERAL ASSEMBLY APPROVES SUCH AN AMENDMENT BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE.

Section 2 (1) of article XIX of the constitution of the state of Colorado is amended to read:

**Section 2. Amendments to constitution - how adopted.** (1) (a) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the

**Text of Proposal – Referendum A**  
**VOTER APPROVAL – CONSTITUTIONAL AND STATUTORY AMENDMENTS**

next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection. ~~and~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), such AMENDMENTS as are approved by a majority of those voting thereon shall become part of this constitution.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), ON AND AFTER JANUARY 1, 1997, PROPOSED CONSTITUTIONAL AMENDMENTS SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY AT LEAST SIXTY PERCENT OF THE VOTES CAST THEREON.

(c) (I) A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND OR REPEAL ANY PROVISION THAT WAS ADOPTED BY LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (4) THEN IN EFFECT SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY A SIMPLE MAJORITY OF THE VOTES CAST THEREON.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2003.

(d) NOTWITHSTANDING ANY INFERENCE TO THE CONTRARY IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, THE REQUIREMENT THAT A PROPOSED AMENDMENT TO THIS CONSTITUTION BE SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE AT A GENERAL ELECTION FOR MEMBERS OF THE GENERAL ASSEMBLY IS MANDATORY AND NO SUCH AMENDMENT CAN BE SUBMITTED FOR APPROVAL OR REJECTION AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR.

**SECTION 2.** Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO ARTICLES V AND XIX OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING BALLOT MEASURES, AND, IN CONNECTION THEREWITH, REQUIRING VOTER APPROVAL OF PROPOSED CONSTITUTIONAL AMENDMENTS BY SIXTY PERCENT OF THE VOTES CAST THEREON, PERMITTING, UNTIL JANUARY 1, 2003, A SIMPLE MAJORITY OF VOTES TO APPROVE AMENDMENTS TO AMEND OR REPEAL ANY PROVISION THAT WAS PREVIOUSLY ADOPTED WITH LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON, PROHIBITING THE GENERAL ASSEMBLY FROM AMENDING OR REPEALING ANY LAW ENACTED BY THE INITIATIVE WITHIN FOUR YEARS OF ADOPTION UNLESS APPROVED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY, AND REQUIRING THAT INITIATED AND REFERRED MEASURES TO AMEND THE CONSTITUTION BE SUBMITTED TO THE ELECTORS AT A GENERAL ELECTION AND NOT AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR."

**SECTION 3.** The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

**Text of Proposal – Referendum B**  
**MAILING OF BALLOT INFORMATION**

Senate Concurrent Resolution 95-007

*Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

**Text of Proposal – Referendum B**  
**MAILING OF BALLOT INFORMATION**

**SECTION 1.** At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

The introductory portion to section 20 (3) (b) and section 20 (3) (b) (v) of article X of the constitution of the state of Colorado are amended to read:

**Section 20. The Taxpayer's Bill of Rights. (3) Election provisions.** (b) ~~AT LEAST 15-25 days~~ 30 DAYS before a ballot issue election, districts shall mail at the least cost, and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors. THE DISTRICTS MAY COORDINATE THE MAILING REQUIRED BY THIS PARAGRAPH (b) WITH THE DISTRIBUTION OF THE BALLOT INFORMATION BOOKLET REQUIRED BY SECTION 1 (7.5) OF ARTICLE V OF THIS CONSTITUTION IN ORDER TO SAVE MAILING COSTS. Titles shall have this order of preference: **"NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE."** Except for district voter-approved additions, notices shall include only:

(v) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer by ~~30 days~~ 45 DAYS before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments. The provisions of this subparagraph (v) do not apply to a statewide ballot issue, which is subject to the provisions of section 1 (7.5) of article V of this constitution.

**SECTION 2.** Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: **"AN AMENDMENT TO SECTION 20 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO, INCREASING THE TIME PERIOD FOR MAILING BALLOT INFORMATION TO REGISTERED VOTERS BEFORE A BALLOT ISSUE ELECTION."**

**SECTION 3.** The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

**Text of Proposal – Referendum C**  
**COUNTY SHERIFFS – QUALIFICATIONS**

Senate Concurrent Resolution 96-004

*Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

**SECTION 1.** At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Article XIV of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

**Text of Proposal – Referendum C**  
**COUNTY SHERIFFS – QUALIFICATIONS**

**Section 8.5. Sheriff - qualifications.** THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO ESTABLISH BY LAW QUALIFICATIONS FOR THE OFFICE OF COUNTY SHERIFF, INCLUDING BUT NOT LIMITED TO TRAINING AND CERTIFICATION REQUIREMENTS.

**SECTION 2.** Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE OFFICE OF COUNTY SHERIFF, AND, IN CONNECTION THEREWITH, AUTHORIZING THE GENERAL ASSEMBLY TO ESTABLISH QUALIFICATIONS FOR THE OFFICE OF COUNTY SHERIFF."

**SECTION 3.** The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

**Text of Proposal – Referendum D**  
**UNEMPLOYMENT COMPENSATION INSURANCE**

House Concurrent Resolution 96-1006

*Be It Resolved by the House of Representatives of the Sixtieth General Assembly of the State of Colorado, the Senate concurring herein:*

**SECTION 1.** At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 20 (2) (e), (4) (a), and (7) (d) of article X of the constitution of the state of Colorado are amended to read:

**Section 20. The Taxpayer's Bill of Rights. (2) Term definitions.** Within this section: (e) "Fiscal year spending" means all district expenditures and reserve increases except, as to both, those for refunds made in the current or next fiscal year or those from gifts, federal funds, collections for another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards, or property sales, OR UNEMPLOYMENT COMPENSATION FUNDS.

**(4) Required elections.** Starting November 4, 1992, districts must have voter approval in advance for: (a) (i) Unless SUBPARAGRAPH (ii) OF THIS (a), (1), or (6) applies, any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to any district.

(ii) NOTWITHSTANDING SUBPARAGRAPH (i) OF THIS (a), DISTRICT ACTIONS RELATING TO ANY CHARGE IMPOSED TO FUND UNEMPLOYMENT COMPENSATION SHALL NOT REQUIRE VOTER APPROVAL.

**(7) Spending limits.** (d) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue change as an offset. Initial district bases are current fiscal year spending and 1991 property tax collected in 1992. Qualification or disqualification as an enterprise shall change district bases and future year limits. Future creation of district bonded debt shall increase, and retiring or refinancing district bonded

**Text of Proposal – Referendum D**  
**UNEMPLOYMENT COMPENSATION INSURANCE**

debt shall lower, fiscal year spending and property tax revenue by the annual debt service so funded. Debt service changes, reductions, (1) and (3) (c) refunds, and voter-approved revenue changes are dollar amounts that are exceptions to, and not part of, any district base. IN ADDITION TO ANY OTHER CHANGES REQUIRED BY THIS (d), FOR THE FISCAL YEAR COMMENCING ON AND AFTER JANUARY 1, 1997, BUT PRIOR TO JANUARY 1, 1998, DISTRICT BASES SHALL BE DECREASED BY AN AMOUNT EQUAL TO EIGHTY PERCENT OF THE AMOUNT OF A DISTRICT'S FISCAL YEAR SPENDING DURING THE PREVIOUS FISCAL YEAR FROM UNEMPLOYMENT COMPENSATION FUNDS. Voter-approved revenue changes do not require a tax rate change.

**SECTION 2.** Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION 20 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE EXCLUSION OF FUNDS FOR UNEMPLOYMENT COMPENSATION FROM FISCAL LIMITATIONS, AND, IN CONNECTION THEREWITH, MODIFYING THE DEFINITION OF "FISCAL YEAR SPENDING" TO EXCLUDE UNEMPLOYMENT COMPENSATION FUNDS, EXCLUDING ACTIONS RELATING TO CHARGES IMPOSED TO FUND UNEMPLOYMENT COMPENSATION FROM THE VOTER-APPROVAL REQUIREMENT FOR TAX INCREASES, AND REQUIRING A ONE-TIME REDUCTION IN DISTRICT BASES TO EXCLUDE A PORTION OF A DISTRICT'S FISCAL YEAR SPENDING FROM UNEMPLOYMENT COMPENSATION FUNDS."

**SECTION 3.** The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

**Text of Proposal – Amendment 11**  
**PROPERTY TAX EXEMPTIONS**

Be it Enacted by the People of the State of Colorado:

Article X, Section 5 of the Colorado Constitution shall be repealed and re-enacted as follows:

**Section 5. Property used for religious purposes, schools, charitable purposes, and other non-profit purposes - exemptions.** Property, real and personal, that is owned and used solely and exclusively for schools, including colleges and universities, or community corrections facilities or orphanages or to house low-income elderly, disabled, homeless, or abused persons, except any such property used or held for private gain or corporate profit, shall be exempt from taxation, unless otherwise provided by general law. Personal property, hat is used solely and exclusively for any religious worship or strictly charitable purpose, unless used or held for profit, shall be exempt from taxation, unless otherwise provided by general law. The property tax rate will decrease proportionately to prevent a net revenue gain to any taxing entity, unless otherwise provided by general law.

**Proposal of Text – Amendment 12**  
**TERM LIMITS**

Be it Enacted by the People of the State of Colorado:

ARTICLE XVIII, section 12.

(1) CONGRESSIONAL TERM LIMITS AMENDMENT.

The exact language for addition to the United States Constitution follows:

Section 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.

(2) VOTER INSTRUCTION TO STATE LEGISLATORS.

(a) The voters instruct each state legislator to vote to apply for an amendment-proposing convention under Article V of the United States Constitution and to ratify the Congressional Term Limits Amendment when referred to the states.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each state legislator who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Colorado legislature has made an Article V application that has not been withdrawn and has ratified the Congressional Term Limits Amendment, when proposed.

(3) VOTER INSTRUCTION TO MEMBERS OF CONGRESS.

(a) The voters instruct each member of the congressional delegation to approve the Congressional Term Limits Amendment.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each member of Congress who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Congressional Term Limits Amendment is before the states for ratification.

(4) VOTER INSTRUCTION TO NON-INCUMBENTS.

The words "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" shall be designated on all primary and general election ballots next to the names of non-incumbent candidates for United States senator, United States representative, state senator, and state representative who have not signed the pledge to support term limits unless the Colorado legislature has ratified the Congressional Term Limits Amendment.

The pledge shall read:

I pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in Article XVIII, section 12. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION TERM LIMITS" will not appear next to my name.

\_\_\_\_\_  
Signature of Candidate

(5) DESIGNATION PROCESS.



## **Proposal of Text – Amendment 12**

### **TERM LIMITS**

(a) The Colorado secretary of state shall determine these ballot designations. The ballot designation shall appear unless clear and convincing evidence establishes that the candidate has honored voter instructions or signed the pledge in this subsection (4). Challenges to designation or lack of designation shall be filed with the Colorado supreme court within 5 days of the determination and shall be decided within 21 days after filing. Determinations shall be made public 30 days or more before the Colorado secretary of state certifies the ballot.

(b) Non-compliance with voter instruction is demonstrated by any of the following actions with respect to the application or ratification by state legislators, and in the case of members of Congress referring the Congressional Term Limits Amendment for ratification, if the legislator:

- (i) fails to vote in favor when brought to a vote;
- (ii) fails to second if it lacks one;
- (iii) fails to vote in favor of all votes bringing the measure before any committee in which he or she serves;
- (iv) fails to propose or otherwise bring to a vote of the full legislative body, if necessary;
- (v) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body or committee;
- (vi) fails in any way to ensure that all votes are recorded and made available to the public;
- (vii) fails to vote against any change, addition or modification; or
- (viii) fails to vote against any amendment with longer limits than the Congressional Term Limits Amendment.

#### **(6) ENFORCEMENT.**

Any legal challenge to this section 12 shall be an original action filed with the Colorado supreme court. All terms of this section 12 are severable.

## **Text of Proposal – Amendment 13**

### **PETITIONS**

Be it Enacted by the People of the State of Colorado:

#### **Article VII, section 2**

**(1) General provisions.** This section shall create fundamental rights and strengthen citizen control of government. All parts shall be self-executing and severable and supersede conflicting constitutional, statutory, charter, or other state or local laws. Time limits shall extend only to expire on a district business day. Suits shall be filed within one year of a violation. Violations shall not be balanced away or harmonized, nor excused by substantial compliance or good faith, but shall require strictest scrutiny and full enforcement. Successful plaintiffs shall receive from a district all costs paid on their behalf and attorney fees, contingent or not, but defendants only if a suit be frivolous.

(2) Term definitions. (a) "Ballot title" means all language on a state or local ballot describing a specific petition.

(b) "District" means the state or any local government, including enterprises, authorities, and all other governmental entities.

(c) "Petition" means a citizen-sponsored referendum or initiative on district legislative policy, which excludes the application of administrative procedures to specific situations.

**Text of Proposal – Amendment 13**  
**PETITIONS**

(d) "Shall" means mandatory.

**(3) Petition rights.** (a) Petition rights shall exist in all districts. Required district registered elector petition entries shall not exceed 5% of district votes for secretary of state candidates in the last general election for that office. Initiative ballot titles shall broadly describe the general proposal, shall not exceed 100 words, shall be set within 7 days of a request, and may also be set by any state district court. Public comment shall be allowed, but not a summary or fiscal note. Such ballot titles and all challenges to initiatives on single-subject grounds shall be appealed to the supreme court only within 5 days of the setting, finally decided only within 21 days of the appeal, and broadly construed to aid initiatives. Within 7 days of a final decision or of a request for referendum petition forms, districts shall print and deliver requested petition forms and may charge up to one dollar per 100-entry petition form. All districts shall adapt the 1988 state petition forms with no space or listing required for a county. Errors in petition forms or ballot titles shall not affect petitions. Peaceful petitioning on district-owned property then open to public passage shall not be limited. Except for petition form charges, no petition process fee, card, badge, bond, licensing, or training for petition agents or circulators shall be required. The use of paid circulators shall not create extra legal duties.

(b) No more than 9 legislative measures passed in a district in any year without a binding referral to district voters at the next ballot issue election shall be excepted from possible referendum petitions. Any excepted measures shall be passed by a 3/4ths vote of all members of the local board or of each house of the general assembly. Appropriations for district support are exempt from referendum petitions. No measure shall be fully or partly passed again, even with an exception, while a referendum petition on it is in progress. Any state measure not excepted from a possible referendum petition shall take effect 91 days or more after the general assembly session passing it finally adjourns, and such local measure 91 days or more after post-passage publication. Only an initial filing of referendum petitions by the 90th day after such event shall delay the effective date until the election or final petition invalidation. If voters reject such a measure, it shall be fully or partly enacted in the next 8 years only with voter approval. Referendum petition ballot titles shall read, "SHALL (DISPUTED SECTIONS OF) (type of measure and number only) BE APPROVED?" Such petitions shall not have a title-setting hearing or appeal or any single-subject challenge.

(c) Petitions shall be initially filed within 9 months of petition form delivery. Valid petitions not initially filed 3 months or more before an election shall be voted on at the next election. Signers of petitions later notarized or verified shall be presumed district registered electors making valid petition entries until disproven beyond a reasonable doubt. Technical defects and minor variations shall be broadly construed to aid petitions. Listing a mailing address shown on the signer's registration record shall be valid. Protests shall be filed within 7 days of petition filing and not amended. Hearings shall be public, limited to reasons itemized in the protest, use judicial rules of evidence and procedure, and end within 14 days of protest filing. Random sampling or machine reading of entries shall be inadmissible. Petitioners shall have 7 days after all validation procedures and appeals to file corrections and new petition entries made at any time, to which all validation procedures and appeals shall also apply. Third filings are barred. When initially filed, petitions shall receive a ballot number and ballot placement which remain during all such procedures and appeals.

(d) All local petitions shall be Article X, section 20 (3) ballot issues. All state petitions shall be voted on at any state ballot issue election. State petition agents shall be allowed to file up to 500 words for ballot information booklets, which shall be sent to addresses of all

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**PETITIONS**

active registered electors. That filing shall be the maximum length for a summary of comments filed in opposition. Booklet analysis of such petitions shall be limited to written comments filed by 45 days before the election and other information required by Article X, section 20 (3) (b), which information shall apply to all petitions. A petition shall be approved only by a simple majority of those voting on the issue. Unless otherwise stated in the initiative or unless its text be unlawful, a future voter-approved initiative shall remain in effect until changed by voters. Unless passed by March 1, 1997, and with no exception from possible referendum petitions, future state or local petition laws, rules, or regulations shall require advance voter approval.

**Text of Proposal – Amendment 14**  
**PROHIBITED METHODS OF TAKING WILDLIFE**

Be it Enacted by the People of the State of Colorado:

Article XVIII of the Constitution of the State of Colorado is amended by the addition of a new Section 12, to read:

Section 12. Prohibited methods of taking wildlife. (1) It shall be unlawful to take wildlife with any leghold trap, any instant kill body-gripping design trap, or by poison or snare in the state of Colorado.

(2) The provisions of subsection (1) of this section shall not prohibit:

(a) The taking of wildlife by use of the devices or methods described in subsection (1) of this section by federal, state, county, or municipal departments of health for the purpose of protecting human health or safety;

(b) The use of the devices or methods described in subsection (1) of this section for controlling:

(I) wild or domestic rodents, except for beaver or muskrat, as otherwise authorized by law; or

(II) wild or domestic birds as otherwise authorized by law;

(c) The use of non-lethal snares, traps specifically designed not to kill, or nets to take wildlife for scientific research projects, for falconry, for relocation, or for medical treatment pursuant to regulations established by the Colorado wildlife commission; or

(d) The use of traps, poisons or nets by the Colorado division of wildlife to take or manage fish or other non-mammalian aquatic wildlife.

(3) Notwithstanding the provisions of this section 12, the owner or lessee of private property primarily used for commercial livestock or crop production, or the employees of such owner or lessee, shall not be prohibited from using the devices or methods described in subsection (1) of this section on such private property so long as:

(a) such use does not exceed one thirty day period per year; and

(b) the owner or lessee can present on-site evidence to the division of wildlife that ongoing damage to livestock or crops has not been alleviated by the use of non-lethal or lethal control methods which are not prohibited.

(4) The provisions of this section 12 shall not apply to the taking of wildlife with firearms, fishing equipment, archery equipment, or other implements in hand as authorized by law.

**Text of Proposal – Amendment 15**  
**CAMPAIGN FINANCE**

Be it Enacted by the People of the State of Colorado:

Article 45 of title 1, Colorado Revised Statutes is REPEALED AND REENACTED, WITH AMENDMENTS to read:

**1-45-101. Short title.** This article shall be known and may be cited as the "Fair Campaign Practices Act".

**1-45-102. Legislative declaration.** The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

**1-45-103. Definitions.** As used in this article:

(1) "Candidate" means any person who seeks nomination or election to any public office which is to be voted on in this state at any general election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI of the state constitution. A person is a candidate for election if the person has publicly announced an intention to seek election to public office and has received a contribution in support of the candidacy. A person remains a candidate for purposes of this article as long as the candidate maintains a registered candidate committee.

(2) "Candidate Committee" means a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state.

(3) "Conduit" means a person who transmits more than one contribution from another person directly to a candidate or candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fund raiser is compensated at the usual and customary rate.

(4) (a) "Contribution" means:

(I) The payment, loan, pledge, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

(b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, issue committee, or political party.

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**CAMPAIGN FINANCE**

(5) "Election cycle" means the period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office.

(6) "Expenditure" means the payment, distribution, loan, or advance of any money by any candidate committee, political committee, issue committee, or political party. "Expenditure" also includes the payment, distribution, loan, or advance of any money by a person for the benefit of a candidate committee, political committee, issue committee, or political party that is made with the prior knowledge and consent of an agent of the party or committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

(7) "Independent expenditure" means payment of money by any person for the purpose of advocating the election or defeat of a candidate, which expenditure is not controlled by, or coordinated with, any candidate or any agent of such candidate. "Independent expenditure" includes expenditures for political messages which unambiguously refer to any specific public office or candidate for such office, but does not include expenditures made by persons, other than political parties and political committees, in the regular course and scope of their business and political messages sent solely to their members.

(8) "Issue committee" means two or more persons who are elected, appointed, or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot initiative or referendum. "Issue committee" does not include political parties, political committees, or candidate committees as otherwise defined in this section.

(9) "Person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

(10) (a) "Political committee" means two or more persons who are elected, appointed, or chosen, or have associated themselves, for the purpose of making contributions to candidate committees, issue committees, political parties, or other political committees, or for the purpose of making independent expenditures. "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

(b) For purposes of this article, the following are treated as a single political committee:

(I) All political committees established by a single corporation or its subsidiaries;

(II) All political committees established by a single labor organization unless the political committee is established by a local unit of the labor organization which has the authority to endorse candidates independently of the state and national units and if the local unit contributes only funds raised from its members;

(III) All political committees established by the same political party;

(IV) All political committees established by substantially the same group of persons.

(11) "Political message" means a message delivered by telephone, any print or electronic media, or other written material which advocates the election or defeat of any candidate or which unambiguously refers to such candidate.

(12) "Political Party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county, and election district levels and all such affiliates are considered to be a single entity for purposes of this article.

(13) "State candidate" means candidates for governor, lieutenant governor, secretary of state, attorney general, state treasurer, state senate, state house of representatives, state board of education, and regent of the University of Colorado.

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**1-45-104. Contribution limits.** (1) In the applicable election cycle, the candidate committee of each candidate for the following offices are prohibited from receiving an aggregate total of contributions from political committees in excess of:

(a) Ten thousand dollars for the house of representatives, state board of education, and regent of the University of Colorado;

(b) Fifteen thousand dollars for the state senate;

(c) Twenty thousand dollars for lieutenant governor;

(d) Eighty thousand dollars for secretary of state, attorney general, or state treasurer;

(e) Four hundred thousand dollars for governor.

(2) No natural person or political committee shall make, and no candidate committee shall accept, aggregate contributions to a candidate committee for a primary or general election in excess of the following amounts:

(a) Five hundred dollars to any one governor, lieutenant governor, secretary of state, state treasurer, or attorney general candidate committee; and

(b) One hundred dollars to any one state senate, state house of representatives, state board of education, or regent of the University of Colorado candidate committee.

(3) No state candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(4) No political party shall accept contributions that are intended, or in any way designated, to be passed through the party to a specific state candidate's candidate committee. Nor shall a political party accept aggregate contributions from any person that exceed twenty-five hundred dollars per year.

(5) In the applicable election cycle, no political party shall contribute more than:

(a) ten thousand dollars to any one state representative, state board of education, or regent of the University of Colorado candidate committee;

(b) fifteen thousand dollars to any one state senate candidate committee;

(c) twenty thousand dollars to any one lieutenant governor candidate committee;

(d) eighty thousand dollars to any one secretary of state, attorney general, or state treasurer candidate committee; and

(e) four hundred thousand dollars to any one gubernatorial candidate committee.

(6) Only natural persons, political parties, and political committees may contribute to a state candidate's candidate committee.

(7) No political committee shall accept an aggregate contribution from any person in excess of two hundred fifty dollars per house of representatives election cycle.

(8) No person shall act as a conduit for a contribution.

(9) Notwithstanding any other section of this article to the contrary, a state candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.

(10) All contributions received by a candidate committee, issue committee, political committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for ninety days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the

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complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

(11) No candidate committee, political committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(12) No person shall make a contribution to a candidate committee, issue committee, political committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, or political party, nor shall any person make such reimbursement except as provided in subsection (9) of this section.

(13) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) The governor or a candidate for governor, when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval.

(b) As used in this subsection:

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation which employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301.

(c) Nothing contained in this subsection shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection. Nothing contained in this subsection shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

**1-45-105. Voluntary campaign spending limits.** (1) State candidates may certify to the secretary of state that the following spending limits shall not be exceeded by the candidate's candidate committee for the applicable election cycle:

(a) Two million dollars for a candidate for governor;

(b) Four hundred thousand dollars for a candidate for secretary of state, attorney general, or treasurer;

(c) One hundred thousand dollars for a candidate for lieutenant governor;

(d) Seventy-five thousand dollars for a candidate for the state senate;

(e) Fifty thousand dollars for a candidate for the state house of representatives, state board of education, or regent of the University of Colorado.

(2) Candidates accepting the campaign spending limits set forth above shall also agree that their personal contributions to their own campaign shall be counted as political

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committee contributions and subject to the aggregate limit on such contributions set forth in subsection 1-45-104 (1).

(3) Each state candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate registers a candidate committee pursuant to subsection 1-45-108 (3). Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 1-45-113 for exceeding the limit.

(4) If a state candidate accepts the applicable spending limit and another candidate for the same office refuses to accept the spending limit, the accepting candidate shall have ten days in which to withdraw acceptance. The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race.

(5) The applicable contribution limits set forth in subsections 1-45-104 (2) and (5) shall double for any state candidate who has accepted the applicable voluntary spending limit if:

(a) another candidate in the race for the same office has not accepted the spending limit; and

(b) the non-accepting candidate has raised more than ten percent of the applicable spending limit as determined by candidate committee reports filed with the secretary of state.

(6)(a) Only those state candidates who have agreed to abide by the applicable voluntary spending limit may advertise their compliance in a political message. All other state candidates are strictly prohibited from advertising, or in any way implying, their acceptance of voluntary spending limits.

(b) State candidates who choose not to comply with the applicable voluntary campaign spending limit shall include the following statement in any political message produced by the candidate or the candidate's committee: "(Candidate's Name) HAS NOT AGREED TO THE CAMPAIGN SPENDING LIMITS ADOPTED BY THE VOTERS IN THE FAIR CAMPAIGN PRACTICES ACT". This statement shall be prominently featured in the political message.

(7) Notwithstanding sections 1-5-402, 1-5-407, or any other statutory provision to the contrary;

(a) Each primary election ballot shall clearly indicate which state candidates have accepted the applicable voluntary spending limit and which state candidates have not accepted the voluntary spending limit.

(b) Each general election ballot shall also clearly indicate which state candidates have accepted the applicable voluntary spending limit and which state candidates have not accepted the voluntary spending limit.

**1-45-106. Unexpended campaign contributions.** (1) Unexpended contributions to a candidate committee may be contributed to a political party subject to the limitation set forth in subsection 1-45-104 (4), donated to a charitable organization recognized by the Internal Revenue Service, returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign pursuant to the restrictions set forth in subsection (2) of this section. In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(2) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from political committees in any subsequent election for purposes of section 1-45-104 (1) no matter how those contributions were originally classified.



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(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to the passage of this Act to a candidate committee registering after passage of this Act pursuant to section 1-45-108.

**1-45-107. Independent expenditures.** (1) Any person making an independent expenditure in excess of one thousand dollars shall deliver notice in writing of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure, within twenty-four hours after obligating funds for such expenditure. Such notice shall be delivered to all candidates in the affected race and to the secretary of state. The notice shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose. Each independent expenditure shall require the delivery of a new notice.

(2) Any person making an independent expenditure in excess of one thousand dollars shall disclose in the political message produced by the expenditure, the full name of the person, the name of the registered agent, the amount of the expenditure, and the specific statement that the advertisement or material is not authorized by any candidate. Such disclosure shall be prominently featured in the political message.

(3) Expenditures by any person on behalf of a candidate for public office that are coordinated with or controlled by the candidate or the candidate's agent shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this article.

**1-45-108. Disclosure.** (1) All candidate committees, political committees, issue committees, and political parties shall report to the secretary of state their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made; and obligations entered into by the committee or party.

(2) (a) Such reports shall be filed quarterly in off-election years and on the first day of each month beginning the sixth full month before the major election, fourteen days before, and thirty days after the major election in election years.

(I) For purposes of this section, "election year" means every even numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot; and "major election" means the election that decides an issue committee's issue and the election that elects a person to the public office sought by the candidate committee's candidate.

(II) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(3) All candidate committees, political committees, issue committees and political parties shall register with the secretary of state before accepting or making any contributions. Registration shall include a statement listing:

- (a) the organization's full name, spelling out any acronyms used therein;
- (b) a natural person authorized to act as a registered agent;
- (c) a street address and telephone number for the principle place of operations;
- (d) all affiliated candidates and committees;
- (e) the purpose or nature of interest of the committee or party.

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(4) For purposes of subsection (3) of this section, a political committee in existence on January 1, 1997 shall register with the secretary of state on or before April 1, 1997 pursuant to the requirements of this Act.

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Any political committee whose purpose is the recall of any elected official shall file a statement of organization with the appropriate officer within ten business days of receiving its first contribution. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the statement of organization and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

**1-45-109. Filing - where to file - timeliness.** (1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; and issue committees in support of or in opposition to an issue on the ballot in more than one county shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, and an issue committee supporting or opposing a municipal ballot issue shall file with the municipal clerk. All other candidates, candidate committees, issue committee and political committees shall file with the county clerk and recorder of the county of their residence.

(2) Reports required to be filed by this article are timely if received by the appropriate officer not later than the close of business on the due date. Reports may be filed by fax and are timely if received by the appropriate officer not later than the close of business on the due date only if an original of the report is received by the appropriate officer within seven days of the due date.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203 C.R.S.

(4) All reports required by this article shall be filed in duplicate with the appropriate officer. These reports are public records and shall be open to inspection by the public during regular business hours. One copy of the report shall be kept by the appropriate officer as a permanent record and the other copy shall be made available immediately in a file for public inspection. Any report which is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis and the committee or party treasurer shall be notified by certified mail, return receipt requested, as to any deficiencies found. The committee or party treasurer shall have five business days from receipt of such notice to file an addendum which cures the deficiencies.

(5) The secretary of state shall establish, operate, and maintain such computer services as are necessary to maintain a telecommunications network that allows electronic read-only access to persons who wish to review the reports filed with the secretary of state's office pursuant to this article. The rates to be charged and procedures for such access shall be

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determined by the secretary of state. The rates to be charged shall be set at a level which offsets the costs to the secretary of state.

(6) (a) The secretary of state shall establish, operate, and maintain a telecommunications network that enables electronic filing of the reports required by this article. The secretary of state shall make computer software available to use the electronic filing system. The procedures for use of the electronic filing system shall be determined by the secretary of state.

(b) In addition to any other method of filing, any person may use the electronic filing system described in paragraph (a) of this subsection in order to meet the filing requirements of this article.

**1-45-110. Candidate affidavit - disclosure statement.** (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and district attorney shall file a statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(3) Failure of any person to file the affidavit or disclosure statement required under this section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the appropriate officer has sent a notice to the person by certified mail, return receipt requested, addressed to the person's residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of receipt of the notice.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

**1-45-111. Duties of the secretary of state - enforcement.** (1) The secretary of state shall:

(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;

(b) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 1-45-105(1) C.R.S. Such forms shall include an acknowledgment that the candidate has read the Fair Campaign Practices Act and understands its terms, requirements, and penalties; that the candidate voluntarily accepts the applicable spending limit; and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request.

(c) Maintain a filing and indexing system consistent with the purposes of this article;

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(d) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) Conduct hearings, as provided in subsection (2) of this section. Any complaints filed against any candidate for the office of secretary of state shall be referred to the attorney general. Any administrative law judge employed pursuant to this section shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. Any hearing conducted by an administrative law judge employed pursuant to subsection (2) of this section shall be conducted in accordance with the provisions of section 24-4-105, C.R.S.

(2)(a) Any person who believes that a violation of this article has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall hold a hearing on the complaint before an administrative law judge within fifteen days of the filing of the complaint. A decision of the administrative law judge shall be issued, and made public, within ten days of the hearing. If the administrative law judge determines that such violation has occurred, the secretary of state shall so notify the attorney general and appropriate district attorney who may institute appropriate legal action against the alleged offender.

(b) If, within ninety days after a complaint is filed with the secretary of state, no civil action for relief has been instituted by the attorney general, the complainant shall have a private right of action based on an alleged violation of this article and may institute a civil action in district court for any appropriate remedy. Any such action shall be filed within one year of the date the final report is filed with the appropriate officer. The prevailing party in any such private action shall be entitled to reasonable attorney fees and costs.

(c) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection. Complainant shall have the same private right of action as set forth in paragraph (b) of this subsection.

**1-45-112. Duties of municipal clerk and county clerk and recorder.** (1) The municipal clerk and county clerk and recorder shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article;

(f) Report apparent violations of law to appropriate law enforcement authorities.

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(2) The secretary of state shall reimburse the municipal clerk and the county clerk and recorder of each county at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

**1-45-113. Sanctions.** (1) It shall be a class two misdemeanor for any person to willfully and intentionally violate sections 1-45-104, 1-45-105, 1-45-106, or 1-45-107, C.R.S. It shall also be a class two misdemeanor for any person to willfully and intentionally fail to disclose any contribution or expenditure on any report filed pursuant to this article.

(2) In addition to any other sanction imposed, any person who violates any provision of this article relating to contribution limits shall be liable to the State of Colorado for double the amount contributed or received in violation of the applicable provision of this article. Candidates shall be personally liable for fines imposed against the candidate's committee.

(3) Notwithstanding any other statutory provision to the contrary, any candidate convicted of violating any provision of this article shall not be qualified for any primary or general election ballot as a state or local candidate for a period of four years following the date of conviction.

(4) The appropriate officer, after proper notification by certified mail, return receipt requested, shall impose a penalty of ten dollars per day for each day that a statement or other information required to be filed by this article is not filed by the close of business on the day due. Revenues collected from fees and penalties assessed by the secretary of state pursuant to this article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

(5) Failure to comply with the provisions of this article shall have no effect on the validity of any election.

**1-45-114. Expenditures - political advertising - rates and charges.** No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space, materials, or services. Any such rate shall not be rebated, directly or indirectly. Nothing in this article shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are offered consistently to other advertisers.

**1-45-115. Encouraging withdrawal from campaign prohibited.** No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

**1-45-116. Home rule counties and municipalities.** Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections which are more stringent than any of the provisions contained in this Act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2).

**1-45-117. State and political subdivisions - limitations on contributions.** (1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) State-wide ballot issue that has been submitted for the purpose of having a title designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

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(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5);

(D) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any local subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection.

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures

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shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

**1-45-118. Severability.** If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Text of Proposal – Amendment 16**  
**STATE TRUST LANDS**

Be it Enacted by the People of the State of Colorado:

SECTIONS 3, 9 AND 10 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF COLORADO ARE AMENDED TO READ:

**Section 3. School fund inviolate.**

The public school fund of the state shall, EXCEPT AS PROVIDED IN THIS ARTICLE IX, forever remain inviolate and intact AND the interest AND OTHER INCOME thereon, only, shall be expended in the maintenance of the schools of the state, and shall be distributed amongst the several counties and school districts of the state, in such manner as may be prescribed by law. No part of this fund, principal, ~~or~~ interest, OR OTHER INCOME shall ever be transferred to any other fund, or used or appropriated, except as ~~herein~~ provided IN THIS ARTICLE IX. The state treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The state shall supply all losses thereof that may in any manner occur. IN ORDER TO ASSIST PUBLIC SCHOOLS IN THE STATE IN PROVIDING NECESSARY BUILDINGS, LAND, AND EQUIPMENT, THE GENERAL ASSEMBLY MAY ADOPT LAWS ESTABLISHING THE TERMS AND CONDITIONS UPON WHICH THE STATE TREASURER MAY (1) INVEST THE FUND IN BONDS OF SCHOOL DISTRICTS, (2) USE ALL OR ANY PORTION OF THE FUND OR THE INTEREST OR OTHER INCOME THEREON TO GUARANTY BONDS ISSUED BY SCHOOL DISTRICTS, OR (3) MAKE LOANS TO SCHOOL DISTRICTS. DISTRIBUTIONS OF INTEREST AND OTHER INCOME FOR THE BENEFIT OF PUBLIC SCHOOLS PROVIDED FOR IN THIS ARTICLE IX SHALL BE IN ADDITION TO AND NOT A SUBSTITUTE FOR OTHER MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR SUCH PURPOSES.

**Section 9. State board of land commissioners.**

(1) The state board of land commissioners shall be composed of ~~three~~ FIVE persons to be appointed by the governor, with the consent of the senate, ~~who shall have the direction, control, and disposition of the public lands of the state under such regulations as are and may be prescribed by law, one of which persons shall at the time of his appointment be designated as president of the board and one of which persons shall at the time of his appointment be designated as register of the board. The third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who, for at least five years, has been actively engaged in~~

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**STATE TRUST LANDS**

~~the practice of civil engineering. The successor and successors of the first members of the board shall each be appointed for terms of six years.~~

~~(2) The members of the board shall each receive a salary of three thousand dollars per annum until otherwise provided by law, but the salary of each member of this board is to be paid out of the income of the said state board of land commissioners. ONE OF WHOM SHALL BE ELECTED BY THE BOARD AS ITS PRESIDENT.~~

(2) THE GOVERNOR SHALL ENDEAVOR TO APPOINT MEMBERS OF THE BOARD WHO RESIDE IN DIFFERENT GEOGRAPHIC REGIONS OF THE STATE. THE BOARD SHALL BE COMPOSED OF ONE PERSON WITH SUBSTANTIAL EXPERIENCE IN PRODUCTION AGRICULTURE, ONE PERSON WITH SUBSTANTIAL EXPERIENCE IN PUBLIC PRIMARY OR SECONDARY EDUCATION, ONE PERSON WITH SUBSTANTIAL EXPERIENCE IN LOCAL GOVERNMENT AND LAND USE PLANNING, ONE PERSON WITH SUBSTANTIAL EXPERIENCE IN NATURAL RESOURCE CONSERVATION, AND ONE CITIZEN AT LARGE.

(3) THE GOVERNOR SHALL APPOINT A NEW BOARD OF LAND COMMISSIONERS ON OR BEFORE MAY 1, 1997. THE TERM OF EACH MEMBER SHALL BE FOR FOUR YEARS; EXCEPT THAT OF THE FIRST BOARD MEMBERS APPOINTED UNDER THIS SUBSECTION (3), TWO MEMBERS SHALL BE APPOINTED FOR TERMS THAT EXPIRE JUNE 30, 1999, AND THREE MEMBERS SHALL BE APPOINTED FOR TERMS THAT EXPIRE JUNE 30, 2001. THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD APPOINTED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (3) SHALL EXPIRE UPON THE CONFIRMATION OF THE APPOINTMENT OF THE FIRST THREE MEMBERS OF THE FIRST BOARD APPOINTED UNDER THIS SUBSECTION (3). NO MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS. MEMBERS OF THE BOARD SHALL BE SUBJECT TO REMOVAL, AND VACANCIES ON THE BOARD SHALL BE FILLED, AS PROVIDED IN ARTICLE IV, SECTION 6 OF THIS CONSTITUTION.

(4) THE BOARD SHALL, PURSUANT TO SECTION 13 OF ARTICLE XII OF THIS CONSTITUTION, HIRE A DIRECTOR WITH THE CONSENT OF THE GOVERNOR, AND, THROUGH THE DIRECTOR, A STAFF, AND MAY CONTRACT FOR OFFICE SPACE, ACQUIRE EQUIPMENT AND SUPPLIES, AND ENTER INTO CONTRACTS AS NECESSARY TO ACCOMPLISH ITS DUTIES. PAYMENT FOR GOODS, SERVICES, AND PERSONNEL SHALL BE MADE FROM THE INCOME FROM THE TRUST LANDS. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE FROM THE INCOME FROM THE TRUST LANDS, SUFFICIENT MONEYS TO ENABLE THE BOARD TO PERFORM ITS DUTIES AND IN THAT REGARD SHALL GIVE DEFERENCE TO THE BOARD'S ASSESSMENT OF ITS BUDGETARY NEEDS. THE MEMBERS OF THE BOARD SHALL NOT, BY VIRTUE OF THEIR APPOINTMENT, BE EMPLOYEES OF THE STATE; THEY MAY BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY EXPENSES AND MAY, IN ADDITION, RECEIVE SUCH PER DIEM AS MAY BE ESTABLISHED BY THE GENERAL ASSEMBLY, FROM THE INCOME FROM THE TRUST LANDS.

(5) THE INDIVIDUAL MEMBERS OF THE BOARD SHALL HAVE NO PERSONAL LIABILITY FOR ANY ACTION OR FAILURE TO ACT AS LONG AS SUCH ACTION OR FAILURE TO ACT DOES NOT INVOLVE WILLFUL OR INTENTIONAL MALFEASANCE OR GROSS NEGLIGENCE.

(6) THE BOARD SHALL SERVE AS THE TRUSTEE FOR THE LANDS GRANTED TO THE STATE IN PUBLIC TRUST BY THE FEDERAL GOVERNMENT, LANDS ACQUIRED IN LIEU THEREOF, AND ADDITIONAL LANDS HELD BY THE BOARD IN PUBLIC TRUST. IT SHALL HAVE THE DUTY TO MANAGE, CONTROL, AND DISPOSE OF SUCH LANDS IN ACCORDANCE WITH THE PURPOSES FOR WHICH SAID GRANTS OF LAND WERE MADE AND SECTION 10 OF THIS ARTICLE IX, AND SUBJECT TO SUCH TERMS AND CONDITIONS CONSISTENT THEREWITH AS MAY BE PRESCRIBED BY LAW.

(7) THE BOARD SHALL HAVE THE AUTHORITY TO UNDERTAKE NON-SIMULTANEOUS EXCHANGES OF LAND, BY DIRECTING THAT THE PROCEEDS FROM A PARTICULAR SALE OR



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**STATE TRUST LANDS**

OTHER DISPOSITION BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY THE STATE TREASURER WITH THE INTEREST THEREON TO ACCRUE TO SUCH ACCOUNT, AND WITHDRAWING THEREFROM AN EQUAL OR LESSER AMOUNT TO BE USED AS THE PURCHASE PRICE FOR OTHER LAND TO BE HELD AND MANAGED AS PROVIDED IN THIS ARTICLE, PROVIDED THAT THE PURCHASE OF LANDS TO COMPLETE SUCH AN EXCHANGE SHALL BE MADE WITHIN TWO YEARS OF THE INITIAL SALE OR DISPOSITION. ANY PROCEEDS, AND THE INTEREST THEREON, FROM A SALE OR OTHER DISPOSITION WHICH ARE NOT EXPENDED IN COMPLETING THE EXCHANGE SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE PUBLIC SCHOOL FUND OR SUCH OTHER TRUST FUND MAINTAINED BY THE TREASURER FOR THE PROCEEDS OF THE TRUST LANDS DISPOSED OF OR SOLD. MONEYS HELD IN THE SEPARATE ACCOUNT SHALL NOT BE USED FOR THE OPERATING EXPENSES OF THE BOARD OR FOR EXPENSES INCIDENT TO THE DISPOSITION OR ACQUISITION OF LANDS.

**Section 10. Selection and management of public trust lands.**

(1) THE PEOPLE OF THE STATE OF COLORADO RECOGNIZE (A) THAT THE STATE SCHOOL LANDS ARE AN ENDOWMENT OF LAND ASSETS HELD IN A PERPETUAL, INTER-GENERATIONAL PUBLIC TRUST FOR THE SUPPORT OF PUBLIC SCHOOLS, WHICH SHOULD NOT BE SIGNIFICANTLY DIMINISHED, (B) THAT THE DISPOSITION AND USE OF SUCH LANDS SHOULD THEREFORE BENEFIT PUBLIC SCHOOLS INCLUDING LOCAL SCHOOL DISTRICTS, AND (C) THAT THE ECONOMIC PRODUCTIVITY OF ALL LANDS HELD IN PUBLIC TRUST IS DEPENDENT ON SOUND STEWARDSHIP, INCLUDING PROTECTING AND ENHANCING THE BEAUTY, NATURAL VALUES, OPEN SPACE AND WILDLIFE HABITAT THEREOF, FOR THIS AND FUTURE GENERATIONS. IN RECOGNITION OF THESE PRINCIPLES, THE BOARD SHALL BE GOVERNED BY THE STANDARDS SET FORTH IN THIS SECTION 10 IN THE DISCHARGE OF ITS FIDUCIARY OBLIGATIONS, IN ADDITION TO OTHER LAWS GENERALLY APPLICABLE TO TRUSTEES.

It shall be the duty of the state board of land commissioners to provide for the PRUDENT MANAGEMENT, location, protection, sale, EXCHANGE, or other disposition of all the lands heretofore, or which may hereafter be, HELD BY THE BOARD AS TRUSTEE PURSUANT TO SECTION 9(6) OF THIS ARTICLE IX, ~~granted to the state by the general government, under such regulation as may be prescribed by law, and in such a manner as will secure the maximum possible amount therefor~~ IN ORDER TO PRODUCE REASONABLE AND CONSISTENT INCOME OVER TIME. IN FURTHERANCE THEREOF, THE BOARD SHALL:

(a) PRIOR TO THE LEASE, SALE, OR EXCHANGE OF ANY LANDS FOR COMMERCIAL, RESIDENTIAL OR INDUSTRIAL DEVELOPMENT, DETERMINE THAT THE INCOME FROM THE LEASE, SALE, OR EXCHANGE CAN REASONABLY BE ANTICIPATED TO EXCEED THE FISCAL IMPACT OF SUCH DEVELOPMENT ON LOCAL SCHOOL DISTRICTS AND STATE FUNDING OF EDUCATION FROM INCREASED SCHOOL ENROLLMENT ASSOCIATED WITH SUCH DEVELOPMENT;

(b) PROTECT AND ENHANCE THE LONG-TERM PRODUCTIVITY AND SOUND STEWARDSHIP OF THE TRUST LANDS HELD BY THE BOARD, BY, AMONG OTHER ACTIVITIES:

(i) ESTABLISHING AND MAINTAINING A LONG-TERM STEWARDSHIP TRUST OF UP TO 300,000 ACRES OF LAND THAT THE BOARD DETERMINES THROUGH A STATEWIDE PUBLIC NOMINATION PROCESS TO BE VALUABLE PRIMARILY TO PRESERVE LONG-TERM BENEFITS AND RETURNS TO THE STATE; WHICH TRUST SHALL BE HELD AND MANAGED TO MAXIMIZE OPTIONS FOR CONTINUED STEWARDSHIP, PUBLIC USE, OR FUTURE DISPOSITION, BY PERMITTING ONLY THOSE USES, NOT NECESSARILY PRECLUDING EXISTING USES OR MANAGEMENT PRACTICES, THAT WILL PROTECT AND ENHANCE THE BEAUTY, NATURAL VALUES, OPEN SPACE, AND WILDLIFE HABITAT THEREOF; AT LEAST 200,000 ACRES OF WHICH LAND SHALL BE DESIGNATED ON OR BEFORE JANUARY 1, 1999, AND AT LEAST AN ADDITIONAL 95,000 ACRES OF WHICH LAND SHALL BE DESIGNATED ON OR BEFORE JANUARY 1, 2001; SPECIFIC PARCELS OF LAND

**Text of Proposal – Amendment 16**  
**STATE TRUST LANDS**

HELD IN THE STEWARDSHIP TRUST MAY BE REMOVED FROM THE TRUST ONLY UPON THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD AND UPON THE DESIGNATION OR EXCHANGE OF AN EQUAL OR GREATER AMOUNT OF ADDITIONAL LAND INTO SAID TRUST.

(II) INCLUDING IN AGRICULTURAL LEASES TERMS, INCENTIVES, AND LEASE RATES THAT WILL PROMOTE SOUND STEWARDSHIP AND LAND MANAGEMENT PRACTICES, LONG-TERM AGRICULTURAL PRODUCTIVITY, AND COMMUNITY STABILITY;

(III) MANAGING THE DEVELOPMENT AND UTILIZATION OF NATURAL RESOURCES IN A MANNER WHICH WILL CONSERVE THE LONG-TERM VALUE OF SUCH RESOURCES, AS WELL AS EXISTING AND FUTURE USES, AND IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS; AND

(IV) SELLING OR LEASING CONSERVATION EASEMENTS, LICENSES AND OTHER SIMILAR INTERESTS IN LAND.

(c) COMPLY WITH VALID LOCAL LAND USE REGULATIONS AND LAND USE PLANS.

(d) ALLOW ACCESS BY PUBLIC SCHOOLS WITHOUT CHARGE FOR OUTDOOR EDUCATIONAL PURPOSES SO LONG AS SUCH ACCESS DOES NOT CONFLICT WITH USES PREVIOUSLY APPROVED BY THE BOARD ON SUCH LANDS.

(e) PROVIDE OPPORTUNITIES FOR THE PUBLIC SCHOOL DISTRICTS WITHIN WHICH SUCH LANDS ARE LOCATED TO LEASE, PURCHASE, OR OTHERWISE USE SUCH LANDS OR PORTIONS THEREOF AS ARE NECESSARY FOR SCHOOL BUILDING SITES, AT AN AMOUNT TO BE DETERMINED BY THE BOARD, WHICH SHALL NOT EXCEED THE APPRAISED FAIR MARKET VALUE, WHICH AMOUNT MAY BE PAID OVER TIME.

(2) No law shall ever be passed by the general assembly granting any privileges to persons who may have settled upon any such public TRUST lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly.

~~(3) The general assembly shall, at the earliest practicable period, provide by law that the several grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made. The general assembly shall provide for the sale of said lands from time to time, and for the faithful application of the proceeds thereof in accordance with the terms of said grant.~~

**Text of Proposal – Amendment 17**  
**PARENTAL RIGHTS**

Be it Enacted by the People of the State of Colorado:

Article II, section 3 of the Colorado constitution is amended to read:

**(3) Inalienable rights.** All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; ~~and~~ of seeking and obtaining their safety and happiness; AND OF PARENTS TO DIRECT AND CONTROL THE UPBRINGING, EDUCATION, VALUES, AND DISCIPLINE OF THEIR CHILDREN.

**Text of Proposal – Amendment 18**  
**LIMITED GAMING IN TRINIDAD**

Be it Enacted by the People of the State of Colorado:

Article XVIII of the constitution of the state of Colorado is amended by the ADDITION OF A NEW SECTION, to wit:

**SECTION 11. LIMITED GAMING - Trinidad. (1) Declarations.**

(a) THE PEOPLE OF THE STATE OF COLORADO ACKNOWLEDGE THAT, AT THE NOVEMBER, 1992, GENERAL ELECTION, THE ELECTORATE OF THE CITY OF TRINIDAD AND ITS COUNTY VOTED IN FAVOR OF A PROPOSAL TO ALLOW A FUTURE LOCAL VOTE TO PERMIT LIMITED GAMING IN THE CITY OF TRINIDAD.

(b) IT IS FURTHER ACKNOWLEDGED THAT THE VOTERS STATEWIDE DECISIVELY FAVORED A PROPOSAL AT THAT SAME ELECTION TO REQUIRE LOCAL VOTER APPROVAL AS A CONDITION FOR ANY FUTURE EXPANSION OF LIMITED GAMING.

(c) IT IS FURTHER ACKNOWLEDGED THAT, DUE TO THE PERSISTENCE OF DEPRESSED ECONOMIC CONDITIONS IN TRINIDAD, THE CITIZENS OF TRINIDAD SHOULD BE ALLOWED TO DIVERSIFY THEIR LOCAL ECONOMY THROUGH THE DEVELOPMENT OF NEW INDUSTRIES AS THEY DEEM APPROPRIATE, WHICH INDUSTRIES MAY INCLUDE LIMITED GAMING AS CONDUCTED ELSEWHERE IN THE STATE.

(d) IT IS FURTHER ACKNOWLEDGED THAT THE CITY OF TRINIDAD POSSESSES A UNIQUE COLLECTION OF HISTORIC BUILDINGS LOCATED WITHIN THE CORAZON DE TRINIDAD NATIONAL HISTORIC DISTRICT WHICH ARE IN DANGER OF IMMINENT LOSS TO POSTERITY UNLESS SUFFICIENT ECONOMIC RESOURCES ARE SOON AVAILABLE TO RESTORE AND PRESERVE THEM.

**(2) Authorization - Limited gaming - Trinidad.** ANY PROVISIONS OF SECTION 2 OF THIS ARTICLE XVIII OR ANY OTHER PROVISIONS OF THIS CONSTITUTION TO THE CONTRARY NOTWITHSTANDING, EFFECTIVE TWO HUNDRED AND TEN DAYS AFTER THE ELECTION AT WHICH THIS SECTION IS APPROVED BY THE VOTERS LIMITED GAMING SHALL BE AUTHORIZED, SUBJECT TO LOCAL VOTER APPROVAL AS PROVIDED IN SECTION 9 OF THIS ARTICLE, WITHIN THE CITY OF TRINIDAD. SUCH LIMITED GAMING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 9 OF THIS ARTICLE EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. THE PROVISIONS OF SAID SECTION 9 ARE INCORPORATED HEREIN BY REFERENCE.

(3) THE ADMINISTRATION AND REGULATION OF THIS SECTION, EXCEPT FOR THE PROVISIONS OF SUBSECTION (4) (a) AND SUBSECTION (4) (b) OF THIS SECTION 11, SHALL BE UNDER THE LIMITED GAMING CONTROL COMMISSION CREATED PURSUANT TO SECTION 9 OF THIS ARTICLE.

(4) (a) LIMITED GAMING UNDER THIS SECTION SHALL BE CONFINED TO THE COMMERCIAL AREAS WITHIN BOUNDARIES COTERMINOUS WITH THE BOUNDARIES OF THE CORAZON DE TRINIDAD NATIONAL HISTORIC DISTRICT WHEN SAID DISTRICT WAS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES ON FEBRUARY 28, 1973. THE LOCATIONS WITHIN SAID BOUNDARIES WHERE LIMITED GAMING MAY BE CONDUCTED SHALL BE FURTHER RESTRICTED AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (4).

(b) LIMITED GAMING SHALL BE FURTHER RESTRICTED TO COMMERCIAL BUILDINGS WHICH HAVE EXISTED SINCE PRIOR TO WORLD WAR I AND TO RECONSTRUCTIONS OF COMMERCIAL BUILDINGS WHICH HAD EXISTED PRIOR TO WORLD WAR I. ANY SUCH BUILDING SHALL CONFORM TO THE REQUIREMENTS OF APPLICABLE CITY ORDINANCES AND ZONING REGULATIONS OF THE CITY OF TRINIDAD. EACH BUILDING SHALL REFLECT ITS ORIGINAL ARCHITECTURE AS DETERMINED BY THE GOVERNING BODY OF THE CITY OF TRINIDAD OR AS DETERMINED BY ANY MUNICIPAL AGENCY AS THE GOVERNING BODY MAY AUTHORIZE.

**Text of Proposal – Amendment 18**  
**LIMITED GAMING IN TRINIDAD**

(5) **Local Vote - Trinidad.** LIMITED GAMING UNDER THIS SECTION SHALL BE SUBJECT TO A LOCAL VOTE HELD IN ACCORDANCE WITH SECTION (9) (6) OF THIS ARTICLE, AND THAT THE FIRST ELECTION FOR THE CITY OF TRINIDAD HELD PURSUANT TO SAID SECTION (9) (6) SHALL OCCUR WITHIN ONE HUNDRED AND FIFTY DAYS AFTER THE ELECTION AT WHICH THIS SECTION IS APPROVED BY THE VOTERS.

(6) (a) THE GENERAL ASSEMBLY SHALL ENACT, AMEND, OR REPEAL LAWS AS ARE NECESSARY TO IMPLEMENT THIS SECTION WITHIN THIRTY DAYS AFTER LOCAL VOTER APPROVAL BY THE ELECTION HELD IN THE CITY OF TRINIDAD PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(b) IF ANY PROVISION OF THIS SECTION 11 IS HELD INVALID, THE REMAINDER OF SAID SECTION SHALL REMAIN UNIMPAIRED. THIS SECTION 11 IS SELF-EXECUTING.

Section 9 (5) (b) of article XVIII of the state constitution is amended to read:

**Section 9. Limited gaming permitted.** (5) (b) (I) From moneys in the limited gaming fund, the state treasurer is hereby authorized to pay all ongoing expenses of the commission and any other state agency, related to the administration of this section 9 AND OF SECTION 11 OF THIS ARTICLE. Such payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with statutes governing payments of liabilities incurred on behalf of the state. Such payment shall not be conditioned on any appropriation by the general assembly.

(II) At the end of each state fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund, except for an amount equal to all expenses of the administration of this section 9 AND OF SECTION 11 OF THIS ARTICLE for the preceding two-month period, according to the following guidelines: fifty percent shall be transferred to the state general fund or such other fund as the general assembly shall provide; twenty-eight percent shall be transferred to the state historical fund, which fund is hereby created in the state treasury; twelve percent shall be distributed to the governing bodies of THE COUNTIES OF Gilpin, ~~county~~ and Teller, ~~county~~ AND LAS ANIMAS in proportion to the revenues generate in each county; the remaining ten percent shall be distributed to the governing bodies of the cities of: the City of Central, the City of Black Hawk, ~~and~~ the City of Cripple Creek, AND THE CITY OF TRINIDAD in proportion to the gaming revenues generated in each respective city.

(III) Of the moneys in the state historical fund, from which the state treasurer shall also make annual distributions, twenty percent shall be used for the preservation and restoration of the cities of: the City of Central, the City of Black Hawk, ~~and~~ the City of Cripple Creek, AND THE CITY OF TRINIDAD, and such moneys shall be distributed, to the governing bodies of the respective cities, according to the proportion of the gaming revenues generated in each respective city. The remaining eighty percent in the state historical fund shall be used for the historic preservation and restoration of historical sites and municipalities throughout the state in a manner to be determined by the general assembly.

## LOCAL ELECTION OFFICES

### Offices of the County Clerks and Recordors

Adams	450 S. 4th Ave., Brighton, CO 80601-3197	(303) 654-6030
Alamosa	P. O. Box 630, 402 Edison Ave., Alamosa, CO 81101-0630	(719) 589-6681
Arapahoe	P. O. Box 9006, 5334 S. Prince St., Littleton, CO 80166-9006	(303) 795-4511
Archuleta	P. O. Box 2589, 449 San Juan, Pagosa Springs, CO 81147-2589	(970) 264-5633
Baca	741 Main St., Springfield, CO 81073	(719) 523-4372
Bent	P. O. Box 350, 725 Carson, Las Animas, CO 81054-0350	(719) 456-2009
Boulder	P. O. Box 471, 13th & Spruce, Boulder, CO 80306-0471	(303) 441-3516
Chaffee	P. O. Box 699, 104 Crestone Ave., Salida, CO 81201-0699	(719) 539-4004
Cheyenne	P. O. Box 567, Cheyenne Wells, CO 80810-0567	(719) 767-5685
Clear Creek	P. O. Box 2000, 405 Argentine St., Georgetown, CO 80444-2000	(303) 569-3251 ext. 239
Conejos	P. O. Box 127, 6683 County Road 13, Conejos, CO 81129-0127	(719) 376-5422
Costilla	P. O. Box 308, 354 Main St., San Luis, CO 81152-0308	(719) 672-3301
Crowley	110 E. 6th St., Ordway, CO 81063	(719) 267-4643
Custer	P. O. Box 150, 205 S. 6th St., Westcliffe, CO 81252-0150	(719) 783-2441
Delta	501 Palmer #211, Delta, CO 81416	(970) 874-2150
Denver	Denver Election Commission 303 W. Colfax Ave., #101, Denver, CO 80204	(303) 640-2351
Dolores	P. O. Box 58, 409 N. Main St., Dove Creek, CO 81324-0058	(970) 677-2381
Douglas	P. O. Box 1360, 301 Wilcox St., Castle Rock, CO 80104	(303) 660-7444
Eagle	P. O. Box 537, 500 Broadway, Eagle, CO 81631-0537	(970) 328-8710
Elbert	P. O. Box 37, Kiowa, CO 80117-0037	(303) 621-3116
El Paso	P. O. Box 2007, 200 S. Cascade, Colorado Springs, CO 80901-2007	(719) 520-6225
Fremont	615 Macon Ave., #100, Canon City, CO 81212	(719) 275-1522
Garfield	109 8th St., #200, Glenwood Springs, CO 81601	(970) 945-2377
Gilpin	P. O. Box 429, 203 Eureka St., Central City, CO 80427-0429	(303) 582-5321
Grand	P. O. Box 120, 308 Byers Ave., Hot Sulphur Springs, CO 80451-0120	(970) 725-3347 ext. 210
Gunnison	200 E. Virginia Ave., Gunnison, CO 81230	(970) 641-1516
Hinsdale	P. O. Box 9, 317 N. Henson St., Lake City, CO 81235-0009	(970) 944-2228
Huerfano	401 Main St., Walsenburg, CO 81089	(719) 738-2380
Jackson	P. O. Box 337, 396 La Fever St., Walden, CO 80480-0337	(970) 723-4334
Jefferson	100 Jefferson County Parkway, Suite 2560, Golden, CO 80419-2550	(303) 271-8199
Kiowa	P. O. Box 37, 1305 Goff St., Eads, CO 81036-0037	(719) 438-5421
Kit Carson	P. O. Box 249, 251 16th St., Burlington, CO 80807-0249	(719) 346-8638
Lake	P. O. Box 917, 505 Harrison Ave., Leadville, CO 80461-0917	(719) 486-1410
La Plata	P. O. Box 519, 1060 2nd Ave., Durango, CO 81302-0519	(970) 382-6283

Larimer	P. O. Box 1280, 200 W. Oak St., Ft. Collins, CO 80522-1280	(970) 498-7820
Las Animas	P. O. Box 115, 1st and Maple St., Trinidad, CO 81082-0115	(719) 846-3314
Lincoln	P. O. Box 67, 718 3rd Ave., Hugo, CO 80821-0067	(719) 743-2444
Logan	315 Main St., Sterling, CO 80751-4349	(970) 522-1544
Mesa	P. O. Box 20000, 619 Main St., Grand Junction, CO 81502-5008	(970) 244-1607
Mineral	P. O. Box 70, 1201 N. Main St., Creede, CO 81130	(719) 658-2440
Moffat	221 W. Victory Way, Craig, CO 81625	(970) 824-5484
Montezuma	109 W. Main St., Room 108, Cortez, CO 81321	(970) 565-3728
Montrose	P. O. Box 1289, 320 S. 1st St., Montrose, CO 81402-1289	(970) 249-3362
Morgan	P. O. Box 1399, Ft. Morgan, CO 80701-1399	(970) 867-5616
Otero	P. O. Box 511, 3rd & Colorado Ave., La Junta, CO 81050-0511	(719) 384-8701
Ouray	P. O. Bin C, 541 4th St., Ouray, CO 81427	(970) 325-4961
Park	P. O. Box 220, 501 Main St., Fairplay, CO 80440-0220	(719) 836-4222
Phillips	221 S. Interocean Ave., Holyoke, CO 80734	(970) 854-3131
Pitkin	530 E. Main St., #101, Aspen, CO 81611	(970) 920-5180
Prowers	P. O. Box 889, Lamar, CO 81052-0889	(719) 336-4337
Pueblo	P. O. Box 878, 215 W. 10th St., Pueblo, CO 81002-0878	(719) 583-6620
Rio Blanco	P. O. Box 1067, 555 Main St., Meeker, CO 81641-1067	(970) 878-5068
Rio Grande	P. O. Box 160, Del Norte, CO 81132-0160	(719) 657-3334
Routt	P. O. Box 773599, 522 Lincoln Ave., Steamboat Springs, CO 80477	(970) 870-5556
Saguache	P. O. Box 176, 501 4th St., Saguache, CO 81149-0176	(719) 655-2512
San Juan	P. O. Box 466, Silverton, CO 81433-0466	(970) 387-5671
San Miguel	P. O. Box 548, Telluride, CO 81435-0548	(970) 728-3954
Sedgwick	P. O. Box 50, 315 Cedar, Julesburg, CO 80737	(970) 474-3346
Summit	P. O. Box 1538, 208 E. Lincoln, Breckenridge, CO 80424-1538	(970) 453-2561 ext. 232
Teller	P. O. Box 1010, 101 W. Bennett Ave., Cripple Creek, CO 80813	(719) 689-2951
Washington	P. O. Box L, 150 Ash, Akron, CO 80720	(970) 345-6565
Weld	P. O. Box 459, Greeley, CO 80632	(970) 353-3070
Yuma	P. O. Box 426, 310 S. Ash St., Wray, CO 80758-0426	(970) 332-5809